

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1015, -1116, -1117, -1160, -1166

BROADCOM CORPORATION,

Plaintiff-Cross Appellant,

v.

QUALCOMM INCORPORATED,

Defendant-Appellant.

Appeals from the United States District Court for the Central District of California in case no. 05-CV-467, Judge James V. Selna.

ON MOTION

Before PROST, Circuit Judge.

ORDER

Broadcom Corporation moves to dismiss appeal no. 2009-1015 for lack of jurisdiction. Qualcomm Incorporated opposes. Broadcom replies. Qualcomm moves for leave to file a surreply, with surreply attached. Broadcom moves to dismiss appeal nos. 2009-1015, -1116, -1117, -1160 for lack of jurisdiction. Broadcom states that Qualcomm opposes. Qualcomm moves for an "expedited, emergency schedule" for appeal No. 2009-1160. Qualcomm states that Broadcom Corporation opposes. Qualcomm moves to organize the above-captioned appeals into three separate appeals. Qualcomm states that Broadcom opposes.

The court deems it the better course for the parties to include their arguments concerning the court's jurisdiction in their briefs, if appropriate.

Qualcomm has not established that the time for Broadcom to file its briefs should be shortened or that oral argument should be expedited. It is the usual practice of this

court to assign cases to an oral argument calendar promptly after briefing is completed. Qualcomm may, of course, self-expedite the case by filing its own briefs early. The parties should not anticipate receiving extensions of time to file their briefs.

Qualcomm has not shown that the appeals should be deconsolidated into three separate appeals for purposes of briefing and oral argument. The court notes that Qualcomm has already filed its brief in 2009-1015. Qualcomm is directed to file a replacement brief addressing issues presented by all of the above-captioned appeals.

Accordingly,

IT IS ORDERED THAT:

- (1) Broadcom's motions to dismiss are denied.
- (2) Qualcomm's motion for leave to file a surreply is granted.
- (3) Qualcomm's motion to expedite is denied.
- (4) Qualcomm's motion to organize the appeals into three separate appeals is denied.

(5) Qualcomm's brief in 2009-1015 is withdrawn. Qualcomm is directed to file a replacement brief addressing issues presented by all of the above-captioned appeals within 14 days of the date of filing of this order. Broadcom should calculate the due date for its brief from the date of service of Qualcomm's replacement brief.

FOR THE COURT

JAN 30 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Evan R. Chesler, Esq.
William F. Lee, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 30 2009

**JAN HORBALY
CLERK**