

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1026

RON NYSTROM,

Plaintiff-Appellant,

v.

TREX COMPANY, INC., HOME DEPOT USA, INC.,
and SNAVELY FOREST PRODUCTS INC.,

Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Virginia
in case no. 2:06-CV-00569, Judge Mark S. Davis.

ON MOTION

Before LINN, Circuit Judge.

ORDER

Trex Company, Inc. et al. submit correspondence requesting that the court assign this appeal to the same panel that decided two earlier appeals, Nystrom v. Trex Co., Inc., 424 F.3d 1136 (Fed. Cir. 2005) and Nystrom v. Trex Co., Inc., 200 Fed. Appx. 987 (Fed. Cir. 2006).

Upon consideration thereof,

IT IS ORDERED THAT:

The request is denied. The appeal will be assigned to a merits panel in the usual course.

FOR THE COURT

MAY -1 2009

Date

cc: Joseph S. Presta, Esq.
Christopher E. Gatewood, Esq.
Patrick J. Coyne, Esq.

s17

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

MAY - 1 2009

**JAN HORBALY
CLERK**