

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1041

TECHNICAL FURNITURE GROUP, LLC  
and THOMAS WHITE,

Plaintiffs-Appellants,

v.

CBT SUPPLY, INC., JEFFREY KORBER,  
and JAMES B. BABCOCK,

Defendants-Appellees.

Appeal from the United States District Court for the District of Maryland  
in 06-CV-3424, Senior Judge Marvin J. Garbis.

ON MOTION

Before RADER, Circuit Judge.

## ORDER

CBT Supply, Inc. et al. move for leave to file a supplemental appendix of four exhibits, including an April 13, 2009 decision of the Board of Patent Appeals and Interferences. Technical Furniture Group, LLC and Thomas White do not oppose the filing of a supplemental appendix but oppose the inclusion of the decision of the Board in the appendix.

Although the Board decision was not before the district court, we deem it appropriate to take judicial notice of the Board decision. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. CBT shall file the supplemental appendix within seven days from the date of filing of this order.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

OCT 20 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Scott Alan Conwell, Esq.  
Steven E. Tiller, Esq.

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U.S. DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA

JAN HORBALY  
CLERK