

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1044

THE FOREST GROUP, INC.,

Plaintiff-Appellee,

v.

BON TOOL COMPANY,

Defendant-Appellant,

and

CIBON INDUSTRIAL
and SHANGHAI HONEST TOOL CO., INC.,

Defendants.

Appeal from the United States District Court for the Southern District of Texas in case
no. 05-CV-4127, Judge Nancy F. Atlas.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

The Forest Group, Inc. moves to strike portions of Bon Tool Company's principal brief. Bon Tool opposes. Forest replies. Bon Tool moves for leave to include an addendum with its reply brief. Forest opposes. Bon Tool replies.

As Forest notes, Fed. Cir. R. 27(e) requires that motions to strike be included in responsive briefs if one is permitted. Forest states that it included the motion to strike in its brief. Thus, the separate motion to strike is denied.

The court notes that in its reply brief Bon Tool cites a 1996 nonprecedential decision of this court Pursuant to Fed. Cir. R. 32.1, nonprecedential dispositions pre-dating January 1, 2007 are not citable.

Accordingly,

IT IS ORDERED THAT:

(1) Forest's motion to strike is denied.

(2) Bon Tool's motion to include an addendum with its reply brief is granted.

Bon Tool may incorporate the order from the United States District Court for the Northern District of Georgia in an addendum if it so chooses.

(3) Bon Tool is directed to file a replacement reply brief omitting the citation to this court's nonprecedential disposition within 14 days of the date of filing of this order. The replacement reply brief shall be identical to the original reply brief in all other respects.

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

FOR THE COURT

JUN 11 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Richard A. Ejzak, Esq.
Kristin K. Tassin, Esq.
Carl S. Kravitz, Esq.

s17

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

JUN 11 2009

JAN HORBALY
CLERK