

CORRECTED: February 13, 2009

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1110

IGT,

Plaintiff-Appellant,

v.

ALLIANCE GAMING CORPORATION, BALLY GAMING INTERNATIONAL, INC.,
and BALLY GAMING, INC. (doing business as Bally Gaming & Systems),

Defendants-Appellees.

Appeal from the United States District Court for the District of Nevada in
case no. 2:04-CV-1676, Judge Robert C. Jones.

ON MOTION

Before PROST, Circuit Judge.

ORDER

Alliance Gaming Corp. et al. (Alliance) moves to dismiss IGT's appeal on the grounds that the United States District Court for the District of Nevada improperly certified an order as a final judgment pursuant to Fed. R. Civ. P. 54(b). IGT opposes. Alliance replies.

The parties agree that the district court improperly certified the disposition of count VI of IGT's complaint as final pursuant to Rule 54(b). Regarding the remaining claims, we deem the better course is to deny the motion without prejudice to the parties addressing the jurisdictional issues in their briefs.

Accordingly,

IT IS ORDERED THAT:

Alliance's motion to dismiss is denied without prejudice to the parties raising the jurisdictional issues in their briefs.

FOR THE COURT

FEB 13 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

cc: Charles K. Verhoeven, Esq.
Jeffrey W. Sarles, Esq.

FEB 13 2009

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JAN HORBALY
CLERK