

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1243

PAUL N. NELSON,

Plaintiff-Appellant,

v.

K2 INC. and K-2 CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court for the Western District of Washington in case no. 07-CV-1660, Chief Judge Robert S. Lasnik.

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2009-1361

PAUL N. NELSON,

Plaintiff-Appellee,

v.

K2 INC. and K-2 CORPORATION,

Defendants-Appellants.

Appeal from the United States District Court for the Western District of Washington in case no. 07-CV-1660, Chief Judge Robert S. Lasnik.

ON MOTION

ORDER

Paul N. Nelson moves to dismiss his appeal, no. 2009-1243. K2 Inc. et al. (K2) consent to the dismissal and request clarification of the briefing schedule and requirements for the remaining appeal.

Because there is no longer a cross appeal in this case, the parties should comply with the normal brief timelines and requirements for appeals. Thus, the cover of K2's principal brief shall be blue; the cover of Nelson's brief shall be red; and the cover of K2's reply brief shall be gray. See Fed. R. App. P. 32(a)(2). The parties should use the revised caption for 2009-1361, set forth above, on the briefs.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to dismiss appeal no. 2009-1243 is granted.
- (2) Each side shall bear its own costs for 2009-1243.
- (3) K2's principal brief in 2009-1361 is due no later than September 11, 2009.

The parties should calculate the remaining due dates in accordance with Fed. Cir. R. 31.

- (4) The revised official caption for 2009-1361 is reflected above.

FOR THE COURT

**AUG 14 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Philip P. Mann, Esq.  
Lawrence D. Graham, Esq.

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ISSUED AS A MANDATE (for 2009-1243 only):

**AUG 14 2009**

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

**AUG 14 2009**

**JAN HORBALY  
CLERK**