

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1250

B & R PLASTICS, INC.,

Plaintiff-Appellant,

v.

WHITNEY DESIGN, INC.,

Defendant-Appellee.

Appeal from the United States District Court for the District of Colorado in case no. 08-CV-00914, Judge Marcia S. Krieger.

ON MOTION

Before NEWMAN, Circuit Judge.

ORDER

Whitney Design, Inc. moves to stay this appeal pending the disposition of a suit between these parties in United States District Court for the Eastern District of Missouri, or alternatively, until that court decides a summary judgment motion on standing. B & R Plastics, Inc. opposes. Whitney replies. B & R Plastics moves without opposition for an extension of time, until May 21, 2009, to file its brief.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to stay is denied.
- (2) The motion for an extension of time is granted.

MAY 29 2009

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Erik G. Fischer, Esq.
McPherson D. Moore, Esq.

MAY 29 2009

**JAN HORBALY
CLERK**

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