

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1278

ANATOLY ROZENBLAT,

Plaintiff-Appellant,

v.

JOHN J. DOLL, Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office,

Defendant-Appellee.

Appeal from the United States District Court for the District of Columbia in
case no. 08-CV-1909, Senior Judge James Robertson.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

The court treats Anatoly Rozenblat's motion to "dismiss" the Acting Under Secretary of Commerce for Intellectual Property et al.'s brief and citation of supplemental authority as a motion to strike the brief and citation of supplemental authority. Rozenblat also requests that the court request that the United States Court of Appeals for the District of Columbia transfer his brief to this court.

This appeal was transferred to this court by the D.C. Circuit. Pursuant to Fed. Cir. R. 28(h), when an appeal is transferred to this court after briefs have been filed, the parties may stipulate to proceed on those briefs only if they file a stipulation and the briefs within 14 days of docketing. In this case, no such stipulation was filed and Rozenblat and the Acting Under Secretary have each filed briefs in this court. Thus, the

request is denied. Further, Rozenblat has not shown that the Acting Under Secretary's brief or citation of supplemental authority should be stricken.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to strike is denied.
- (2) Absent objection received within ten calendar days of the date of filing of this order, Rozenblat's motion to strike will be treated as his reply brief and shall be transmitted to the merits panel assigned to decide this case.
- (3) The request to have Rozenblat's brief transferred to this court from the D.C. Circuit is denied.
- (4) A copy of this order shall be transmitted to the merits panel assigned to decide this case.

FOR THE COURT

JUN 11 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Anatoly Rozenblat
Raymond T. Chen, Esq.

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

JUN 11 2009

**JAN HORBALY
CLERK**