

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1306, -1396

GOLDEN HOUR DATA SYSTEMS, INC.,

Plaintiff-Appellant,

v.

EMSCHARTS, INC.,

Defendant-Cross-Appellant,

and

SOFTTECH, LLC,

Defendant-Appellee.

Appeals from the United States District Court for the Eastern District of Texas
in case no. 2:06-CV-381, Judge T. John Ward.

ON MOTION

Before PROST, Circuit Judge.

ORDER

The parties jointly move to dismiss part of emsCharts, Inc.'s cross-appeal. The cross-appellant also moves for an extension of time, until September 10, 2009, to file its brief.

The court notes that it does not dismiss portions of an appeal; if a party decides not to make challenge certain determinations of the district court in its opening brief, then the arguments are not before the court, but the appeal need not be dismissed in part. It appears that emsCharts intends to challenge certain district court rulings as a cross-appellant. The motion is unnecessary.

IT IS ORDERED THAT:

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

FOR THE COURT

AUG 14 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Carter G. Phillips, Esq.
Eric H. Findlay, Esq.
Eric H. Weisblatt, Esq.

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

AUG 14 2009

JAN HORBALY
CLERK