

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1325, -1346

EXTREME NETWORKS, INC.,

Plaintiff-Cross Appellant,

v.

ENTERASYS NETWORKS, INC.,

Defendant-Appellant.

Appeals from the United States District Court for the Western District of Wisconsin  
in case no. 07-CV-229, Chief Judge Barbara B. Crabb.

ON MOTION

Before PROST, Circuit Judge.

### ORDER

Extreme Networks, Inc. moves to dismiss Enterasys Networks, Inc.'s appeal as untimely. Enterasys opposes. Extreme Networks replies. The parties move jointly for extensions of time to file their briefs.

The court deems it the better course for the parties to put their arguments concerning timeliness in their briefs.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is denied.

(2) The motion for extensions of time to file briefs is granted. Enterasys's brief is due within 60 days of the date of filing of this order. Extreme Networks' brief is due within 60 days of the date of service of Enterasys's brief. Enterasys's reply brief is due within 40 days of the date of service of Extreme Networks' brief. Extreme Networks' reply brief is due within 21 days of the date of service of Enterasys's reply brief.

FOR THE COURT

AUG 14 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Margaret M. Duncan, Esq.  
David P. Swenson, Esq.

s17

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

**AUG 14 2009**

**JAN HORBALY  
CLERK**