

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1393

PHOTOCURE ASA,

Plaintiff-Appellee,

v.

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

Defendant-Appellant.

Appeal from the United States District Court for the Eastern District of Virginia in case  
no. 1:08-CV-718, Judge Liam O'Grady.

ON MOTION

PER CURIAM.

### ORDER

The Acting Under Secretary of Commerce for Intellectual Property et al. (Acting Under Secretary) moves to expedite briefing in this appeal and to allow oral argument in this appeal to be heard by the same panel and on the same day as Ortho McNeil Pharm., Inc. v. Lupin Pharm., Inc., No. 2009-1362. Photocure ASA consents.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted to the extent that the Acting Under Secretary's brief is due no later than July 21, 2009, Photocure's brief is due no later than August 4, 2009, and the Acting Under Secretary's reply brief and the joint appendix are due no later than

August 11, 2009. The appeal will be placed on the September oral argument calendar and will be heard by the same panel that hears Ortho McNeil.

FOR THE COURT

JUL 16 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Howard S. Scher, Esq.  
John W. Bateman, Esq.

s17

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

JUL 16 2009

JAN HORBALY  
CLERK