

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1435, -1459
(Reexamination Nos. 95/000,015 AND 95/000,017)

COOPER CAMERON CORPORATION,

Appellant,

v.

SAFOCO, INC.,

Appellee.

Appeals from the United States Patent and Trademark Office,
Trademark and Appeal Board.

ON MOTION

ORDER

Cooper Cameron Corporation (Cameron) moves for an extension of time, until October 6, 2009, to file its opening brief, to allow time for finalization of a settlement agreement. The Director of the United States Patent and Trademark Office submits correspondence objecting to the caption and questioning which case numbers apply to each reexamination number. Safoco, Inc. moves for an extension of time to file its brief.

It appears that, as docketed, appeal no. 2009-1435 relates to Reexamination No. 95/000,017 and that appeal no. 2009-1459 relates to Reexamination No. 95/000,015. Because the cases are now consolidated, it does not appear that corrections to the record are required, as the matters should be briefed together. If the case is not dismissed due to settlement, then the Director may file a brief as he does in an ex parte appeal. However, the court does not include the Director in the caption in an ex parte

appeal and it does not appear that he must be included in this appeal involving an inter partes reexamination.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Cameron's motion for an extension of time is granted. The Director may participate in this appeal as an appellee and should calculate his brief due date from the date of service of Cameron's opening brief. Counsel for the Director should enter an appearance within 14 days of the date of filing of this order.

(2) Safoco's motion for an extension of time is granted. Safoco's brief is due within 14 days of service of the Director's brief. Cameron's reply brief is due within 14 days of service of Safoco's brief.

FOR THE COURT

SEP 14 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Collin A. Rose, Esq.
Keith Martin Tackett, Esq.
Raymond T. Chen, Esq.

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

SEP 14 2009

JAN HORBALY
CLERK