

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1442

EVERY PENNY COUNTS, INC.,

Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION and BANK OF AMERICA, N.A.,

Defendants-Appellees.

Appeal from the United States District Court for the Middle District of Florida in case no. 07-CV-00042, Judge Jon E. Steele.

ON MOTION

Before PROST, Circuit Judge.

ORDER

Every Penny Counts, Inc. moves without opposition to stay the briefing schedule, pending the Supreme Court's disposition of Bilski v. Doll, No. 08-964.

The Supreme Court granted certiorari in Bilski on June 1, 2009.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted. The appellant is directed to inform this court, within 14 days of the Supreme Court's disposition of Bilski, concerning how it believes that this appeal should proceed. The appellee may also respond within that time.

FOR THE COURT

AUG 31 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Harvey S. Kauget, Esq.
Steven C. Cherny, Esq.

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

AUG 31 2009

JAN HORBALY
CLERK