

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1564, 2010-1004

SPECTRALYTICS, INC.,

Plaintiff- Cross Appellant,

v.

CORDIS CORPORATION,

Defendant-Appellant,

and

NORMAN NOBLE, INC.,

Defendant-Appellant,

Appeals from the United States District Court for the District of Minnesota  
in case no. 05-CV-1464, Judge Patrick J. Schlitz.

ON MOTION

Before LOURIE, Circuit Judge.

### ORDER

Cordis Corporation and Norman Noble, Inc. move to have Spectralytics, Inc. designated as the cross-appellant and Cordis and Norman designated as appellants. Spectralytics opposes. Cordis and Norman reply. Cordis and Norman move for a 60-day extension of time, until January 12, 2010, to file their opening brief in the event that the court grants their motion to modify the designation of the appellant and cross-appellant. Spectralytics opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to modify the designation of appellant and cross-appellant is denied.

(2) The motion for an extension of time is moot.

FOR THE COURT

NOV 20 2009

\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: J. Derek Vandenburg, Esq.  
Eugene M. Gelernter, Esq.  
James B. Niehaus, Esq.

s17

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

NOV 20 2009

JAN HORBALY  
CLERK