

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1565

ROTHE DEVELOPMENT CORPORATION,

Plaintiff-Appellant,

v.

DEPARTMENT OF DEFENSE and
DEPARTMENT OF THE AIR FORCE,

Defendants-Appellees.

Appeal from the United States District Court for the Western District of
Texas in case no. 98-CV-1011, Judge Xavier Rodriguez.

ON MOTION

ORDER

The Department of Defense and Department of the Air Force (Defense) move for a 60-day extension of time, until February 5, 2010, to file their brief. Rothe Development Corporation opposes. Defense replies. Rothe submits a surreply.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted. No further extensions should be anticipated.

FOR THE COURT

DEC 10 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: David F. Barton, Esq.
Lisa Wilson Edwards, Esq.

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

DEC 10 2009

JAN HORBALY
CLERK