

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1582

TONY COLIDA,

Plaintiff-Appellant,

v.

PANASONIC CORPORATION OF NORTH AMERICA
and PANASONIC CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois
in case no. 09-CV-1786, Judge Matthew F. Kennelly.

ON MOTION

Before DYK, Circuit Judge.

ORDER

Panasonic Corporation of North America and Panasonic Corporation (Panasonic) move for reconsideration of the court's order granting Tony Colida's request for leave to proceed in forma pauperis on appeal. Panasonic also moves to dismiss Colida's appeal as frivolous. Colida opposes. Panasonic separately moves for an extension of time to file its brief.

Because Panasonic filed its motion after Colida filed his opening brief, we determine that pursuant to Fed. Cir. R. 27(f) Panasonic must make its arguments concerning dismissal in its response brief. Panasonic's motion for reconsideration of

this court's order granting Colida's motion for leave to proceed in forma pauperis on appeal also involves the same issue, i.e., whether Colida's appeal is frivolous.

Accordingly,

IT IS ORDERED THAT:

(1) Panasonic's motion to dismiss and motion for reconsideration are denied pursuant to Fed. Cir. R. 27(f) without prejudice to Panasonic making arguments in its brief concerning the asserted frivolous nature of the appeal and whether the appeal should be dismissed. A copy of this order shall be transmitted to the merits panel assigned to decide this case.

(2) Panasonic's motion for an extension of time to file its brief is granted. Panasonic's brief is due within 30 days of the date of filing of this order.

FOR THE COURT

JAN 28 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Tony Colida
Tadashi Horie, Esq.

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

JAN 28 2010

JAN HORBALY
CLERK