

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-1076
(Interference No. 105,645)

ELIYAHOU HARARI, ROBERT D. NORMAN,
and SANJAY MEHROTRA,

Appellants,

v.

ANDREI MIHNEA, JEFFREY KESSENICH,
and CHUN CHEN,

Appellees.

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

ON MOTION

Before MOORE, Circuit Judge.

ORDER

Eliyahou Harari et al. (Harari) move to stay the briefing schedule in this appeal pending the court's disposition of Harari v. Hollmer, 2009-1406. Andrei Mihnea et al. oppose.

Harari asserts that this case and the Hollmer appeal involve a substantially similar issue relating to whether Harari's patent applications properly identified material intended to be incorporated by reference.

We note that Hollmer is scheduled for oral argument on March 5, 2010.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay is granted. The appellants are directed to inform the court within 30 days of the disposition of Hollmer how they believe this appeal should proceed. The appellees may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear Hollmer.

FOR THE COURT

FEB 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Timothy R. Volpert, Esq.
Thomas J. D'Amico, Esq.

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

FEB 26 2010

JAN HORBALY
CLERK