

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**CUMMINS INC.,**  
*Plaintiff-Appellant,*

v.

**TAS DISTRIBUTING COMPANY, INC.,**  
*Defendant-Appellee.*

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2010-1134

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Appeal from the United States District Court for the  
Central District of Illinois in case no. 09-CV-1096, Judge  
Joe Billy McDade.

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**ON MOTION**

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**O R D E R**

TAS Distributing Company, Inc. moves for a 41-day extension of time, until May 31, 2011, to file its brief. The court notes that this motion was previously granted on April 6, 2011. TAS Distributing Company, Inc.'s brief is due May 31, 2011.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied as moot.

FOR THE COURT

MAY 03 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan R. Spivey, Esq.  
Karen L. Kendall, Esq.

s21

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

**MAY 03 2011**

**JAN HORBALY**  
**CLERK**