NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

MYTEE PRODUCTS, INC.,
Plaintiff-Appellant,

v.

HARRIS RESEARCH, INC.,
Defendant-Cross Appellant,

AND

DOES 1 THROUGH 20,
Defendants.

2010-1207, -1226

Appeals from the United States District Court for the Southern District of California in case no. 06-CV-1854, Magistrate Judge Cathy Ann Bencivengo.

ON MOTION

Before BRYSON, *Circuit Judge.*

ORDER

Mytee Products, Inc. moves for reconsideration of the court's order dismissing this case for failure to prosecute.

Harris Research, Inc. opposes and in the alternative moves for leave to file a supplemental appendix. Mytee Products replies.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for reconsideration is granted. The court's dismissal order is vacated and the case is reinstated.

(2) The appellant must file the required number of copies of a corrected joint appendix within 10 days of the date of filing of this order That corrected joint appendix must also include the omitted material cited by the appellee in its opposition to the motion for reconsideration. If the corrected joint appendix is not filed within 10 days, the case will be dismissed.

(3) The appellee's motion for leave to file a supplemental appendix is moot.

FOR THE COURT

MAR 18 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Anthony J. Dain, Esq.
Shaun L. Peck, Esq.

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

MAR 18 2011

JAN HORBALY
CLERK