

NOTE: This order is nonprecedential.

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

PRESIDIO COMPONENTS, INC.,
Plaintiff-Cross Appellant,

v.

AMERICAN TECHNICAL CERAMICS CORP.,
Defendant-Appellant.

2010-1355, 2011-1089

Appeals from the United States District Court for the Southern District of California in case no. 08-CV-0335, Chief Judge Irma E. Gonzalez.

ON MOTION

O R D E R

American Technical Ceramics Corp. (ATCC) moves to dismiss Presidio Components, Inc.'s cross-appeal for lack of jurisdiction. Presidio opposes. ATCC replies.

This motion was filed after both the appellant and cross-appellant filed their opening briefs. Pursuant to Fed. Cir. R. 27(f), a motion to dismiss must be filed before

the appellant files its opening brief or, failing that, arguments concerning jurisdiction should be in the briefs. The court notes that the parties discuss the timeliness of the cross-appeal in their briefs and that the parties should not be allowed to enlarge the word limitations for briefs by expanding on those jurisdictional arguments in motions when those arguments should have been included within the context of the briefs.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to dismiss is denied for failure to comply with Fed. Cir. R. 27(f).

(2) A copy of this order shall be transmitted to the merits panel to inform the panel that the motion to dismiss the cross-appeal was denied due to a failure to comply with Fed. Cir. R. 27(f).

FOR THE COURT

FEB 16 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Brett A. Schatz, Esq.
Marvin S. Gittes, Esq.

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

FEB 16 2012

JAN HORBALY
CLERK