

NOTE: This order is nonprecedential.

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

1ST MEDIA, LLC,
Plaintiff-Appellant,

v.

**ELECTRONIC ARTS, INC., HARMONIX MUSIC
SYSTEMS, INC., AND VIACOM, INC.,**
Defendants-Appellees,

AND

**SONY COMPUTER ENTERTAINMENT AMERICA,
INC.,**
Defendant-Appellee.

2010-1435

Appeal from the United States District Court for the
District of Nevada in case no. 07-CV-1589, Judge James
C. Mahan.

ON MOTION

Before LOURIE, *Circuit Judge.*

O R D E R

1st Media, LLC (1st Media), Electronic Arts, Inc., et al. (EA), and Sony Computer Entertainment America, Inc. (Sony) respond to this court's order directing the parties to inform the court how this case should proceed in light of the court's en banc decision in *Therasense v. Becton, Dickinson & Co.*, 2011 WL 3659357 (Fed. Cir. May 25, 2011). 1st Media moves to summarily reverse the district court's decision. EA and Sony oppose. 1st Media replies. EA and Sony move for leave to file a sur-reply.

We deem it the better course to have the parties raise the issues in the briefs.

Accordingly,

IT IS ORDERED THAT:

(1) The stay of proceedings is lifted. The motion for summary reversal is denied. The motions for leave are denied.

(2) 1st Media is directed to file its opening brief within 40 days from the date of filing of this order.

FOR THE COURT

SEP 06 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Robert P. Greenspoon, Esq.
Richard F. Ziegler, Esq.
B. Trent Webb, Esq.

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

SEP 06 2011

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JAN HORBALY
CLERK