

NOTE: This order is nonprecedential.

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

THE MINESEN COMPANY,
Appellant,

v.

JOHN MCHUGH, SECRETARY OF THE ARMY,
Appellee.

2010-1453

Appeal from the Armed Services Board of Contract Appeals in no. 56346, Administrative Judge Michael T. Paul.

ON MOTION

Before FRIEDMAN, *Circuit Judge.*

ORDER

The Secretary of the Army moves to dismiss The Minesen Company's appeal for lack of jurisdiction. The Minesen Company opposes. The Secretary replies.

We deem the better course is to deny the motion without prejudice to the Secretary raising any jurisdictional arguments in his brief.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied without prejudice. The appellant's opening brief is due within 21 days of the date of filing of this order.

FOR THE COURT

JAN 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Thomas A. Lemmer, Esq.
James R. Sweet, Esq.

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

JAN 04 2011

JAN HORBALY
CLERK