

NOTE: This order is nonprecedential.

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

**WOODROW WOODS and MARINE EXHAUST
SYSTEMS, INC.,**
Plaintiffs-Appellees,

v.

DEANGELO MARINE EXHAUST, INC.,
Defendant-Appellant.

2010-1478

Appeal from the United States District Court for the
Southern District of Florida in case no. 08-CV-81579,
Judge Daniel T.K. Hurley.

**WOODROW WOODS and MARINE EXHAUST
SYSTEMS, INC.,**
Plaintiffs-Appellants,

v.

DEANGELO MARINE EXHAUST, INC.,
Defendant-Appellee.

2010-1509

Appeal from the United States District Court for the Southern District of Florida in case no. 08-CV-81579, Judge Daniel T.K. Hurley.

ON MOTION

Before LOURIE, GAJARSA, and LINN, *Circuit Judges*.

LINN, *Circuit Judge*.

ORDER

Woodrow Woods et al. (Woods) and DeAngelo Marine Exhaust, Inc. respond to the court's order directing them to respond concerning the timeliness of their appeals.

The district court entered judgment on June 8, 2010. On the same day, Woods moved to amend the judgment to include a permanent injunction. The district court granted the motion in part on June 30, 2010 and on July 6, 2010 entered a permanent injunction. DeAngelo filed a notice of appeal seeking review of the permanent injunction, final judgment, and other orders on August 4, 2010. Woods filed a notice of appeal on August 19, 2010, 15 days after DeAngelo's appeal.

DeAngelo's appeal appears to be timely from the entry of the permanent injunction. Any arguments concerning the timeliness of DeAngelo's appeal regarding the judgment may be included in the briefs. The court further determines that Woods' appeal is untimely and thus must be dismissed. Woods' appeal was not filed within 30 days of the entry of judgment or injunction. Although Fed. R. App. P. 4(a)(3) also allows a party to file a notice of appeal within 14 days after another party filed a notice of appeal, Woods filed its notice of appeal 15 days after DeAngelo's appeal was filed. Thus, Woods' appeal is untimely.

Accordingly,

IT IS ORDERED THAT:

(1) Woods' appeal, 2010-1509, is dismissed as untimely.

(2) The stay of briefing is lifted. DeAngelo's brief is due within 30 days of the date of filing of this order.

(3) The revised official caption for 2010-1478 is reflected above.

(4) Each side shall bear its own costs in 2010-1509.

FOR THE COURT

FEB 09 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Jennifer E. Simpson, Esq.
Michael C. Cesarano, Esq.

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

FEB 09 2011

JAN HORBALY
CLERK