

NOTE: This order is nonprecedential.

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

CHET'S SHOES, INC.,
Plaintiff-Appellee,

v.

SIDNEY KASTNER,
Defendant-Appellant.

2010-1555

Appeal from the United States District Court for the District of Vermont in case no. 08-CV-0197, Senior Judge J. Garvan Murtha.

ON MOTION

Before LINN, *Circuit Judge.*

O R D E R

Sidney Kastner moves to remand this case to the United States District Court for the District of Vermont with instructions that the district court "identify fully specific 'prior art' on which its decision granting summary judgment of non-infringement to Chet's Shoes, Inc. is based." Chet's Shoes, Inc. opposes.

This court denies the motion without prejudice to the parties raising the issues in their briefs, if appropriate.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is denied without prejudice.
- (2) Sydney Kastner's brief is due within 30 days of the date of filing of this order.

FOR THE COURT

FEB 02 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Donald W. Niles, Esq.
Walter D. Ames, Esq.

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

FEB 02 2011

**JAN HORBALY
CLERK**