

NOTE: This order is nonprecedential.

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

**IN RE BNY CONVERGEX GROUP, LLC AND BNY
CONVERGEX EXECUTION SOLUTIONS, LLC,**
Petitioners.

Miscellaneous Docket No. 961

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in case nos. 09-CV-0326, 10-CV-0248, and 10-CV-0426, Judge Leonard Davis.

ON PETITION FOR WRIT OF MANDAMUS

O R D E R

BNY ConvergEx Group, LLC et al. (BNY) submit a petition for a writ of mandamus to direct the United States District Court for the Eastern District of Texas to vacate its August 26, 2010 order denying BNY's motion to dismiss for lack of personal jurisdiction, and to direct the court to dismiss Realtime Data, LLC's complaint.

Upon consideration thereof,

IT IS ORDERED THAT:

Realtime Data is directed to respond no later than October 15, 2010.

FOR THE COURT

SEP 27 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: John C. O'Quinn, Esq.

Samuel F. Baxter, Esq.

Clerk, United States District Court for the Eastern
District Of Texas

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

SEP 27 2010

**JAN HORBALY
CLERK**