

NOTE: This order is nonprecedential.

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

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**MARSHALL PATENT HOLDINGS, LLC,**  
*Plaintiff-Appellant,*

v.

**U.S. SOUTH COMMUNICATIONS, INC.,**  
*Defendant-Appellee.*

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2011-1011

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Appeal from the United States District Court for the Eastern District of Texas in case no. 08-CV-0222, Judge Leonard Davis.

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**ON MOTION**

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**O R D E R**

U.S. South Communications, Inc. (US South) moves to strike portions of Marshall Patent Holdings, LLC (Marshall)'s reply brief. Marshall opposes. US South replies.

Upon consideration thereof,

**IT IS ORDERED THAT:**

(1) The motion is deferred for consideration by the merits panel assigned to hear the case.

(2) The parties are directed to file three additional copies of the motion, opposition, and reply within 10 days of the date of filing of this order. Those copies shall be transmitted to the merits panel along with a copy of this order.

FOR THE COURT

JUN 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael P. Mazza, Esq.  
Robin L. McGrath, Esq.

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

JUN 01 2011

JAN HORBALY  
CLERK