

NOTE: This order is nonprecedential.

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

O2 MICRO INTERNATIONAL LTD.,
Plaintiff-Appellee,

v.

JOHN D. VAN LOBEN SELS,
Defendant-Appellant.

2011-1031

Appeal from the United States District Court for the Eastern District of Texas in case no. 04-CV-0032, Magistrate Judge Charles Everingham, IV.

O2 MICRO INTERNATIONAL LTD.,
Plaintiff-Appellee,

v.

BEYOND INNOVATION TECHNOLOGY CO., LTD.,
Defendant-Appellant,

AND

**FSP TECHNOLOGY, INC. (FORMERLY KNOWN AS
SPI ELECTRONIC CO., LTD.), FSP GROUP, AND**

**LIEN CHANG ELECTRONIC ENTERPRISE CO.,
LTD.,**
Defendants.

2011-1054

Appeal from the United States District Court for the Eastern District of Texas in case no. 04-CV-0032, Magistrate Judge Charles Everingham, IV.

ON MOTION

Before RADER, *Chief Judge.*

O R D E R

Beyond Innovation Technology, Co. (BIT) moves to separate this appeal into two appeals and separately moves to set the briefing schedule for 2011-1054 and for leave to file a separate joint appendix for 2011-1054. John D. Van Loben Sels opposes. O2 Micro International LTD. (O2) replies.

Because the appeals are separate but involve review of the same district court order, 2011-1031 and 2011-1054 will proceed as companion cases and will be heard consecutively before the same merits panel.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) BIT's motions are granted.

(2) We treat 2011-1031 and 2011-1054 as companion cases.

(3) The revised official captions are reflected above.

(4) The motion to set the briefing schedule for 2011-1054 is granted. O2's brief in response to the brief of BIT is due within 21 days of the date of filing of this order, if it has not already been filed. BIT's reply brief is due no later than May 16, 2011. The joint appendix for 2011-1054 is due no later than May 27, 2011.

FOR THE COURT

APR 12 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Robert M. Harkins, Jr., Esq.
Donald R. McPhail, Esq.
John D. Van Loben Sels, Esq.

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

APR 12 2011

JAN HORBALY
CLERK