

NOTE: This order is nonprecedential.

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

**TRADING TECHNOLOGIES INTERNATIONAL,
INC.,**
Plaintiff-Appellee,

v.

**ESPEED, INC., ESPEED INTERNATIONAL LTD.,
ECCO LLC, AND ECCOWARE LTD.,**
Defendants-Appellants,

2011-1424

Appeal from the United States District Court for the
Northern District of Illinois in case no. 04-CV-5312, Judge
Robert M. Dow, Jr.

ON MOTION

Before SCHALL, *Circuit Judge.*

O R D E R

Trading Technologies International, Inc. (TTI) moves
to dismiss this appeal. The appellants oppose. TTI

replies. TTI moves for fees, costs and damages. The appellants oppose. TTI replies.

It appears that the jurisdictional issue raised by the parties may be intertwined with the merits of the case. Thus, we deem it the better course to deny the motion to dismiss without prejudice to the parties addressing the jurisdictional and merits issues in their briefs. Similarly, we defer the motion for sanctions to the merits panel.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is denied without prejudice.
- (2) The motion for sanctions is deferred for consideration by the merits panel. Copies of that motion, the response, the reply, and this order shall be transmitted to the merits panel.
- (3) TTI's brief is due within 30 days of the date of filing of this order.

FOR THE COURT

OCT 28 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael D. Gannon, Esq.
Gary A. Rosen, Esq.

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

OCT 28 2011

JAN HORBALY
CLERK