

NOTE: This order is nonprecedential.

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

MBO LABORATORIES, INC.,
Plaintiff-Appellant,

v.

BECTON, DICKINSON & COMPANY,
Defendant-Appellee.

2011-1446

Appeal from the United States District Court for the District of Massachusetts in case no. 03-CV-10038, Judge Richard G. Stearns.

ON MOTION

O R D E R

Becton, Dickinson & Company moves without opposition for a 3-day extension of time, until October 14, 2011 to file its principal brief. Becton, Dickinson & Company moves for leave to file physical examples of the safety syringe products it asserts are at issue in the appeal. MBO Laboratories, Inc. consents, provided that it is also permitted to submit physical samples.

The movant does not state that the samples are physical exhibits that were first presented to the trial court or that the samples are part of the record on appeal. Thus, the court defers the motion concerning the samples to the merits panel.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for an extension of time is granted.

(2) The motion for leave to file physical samples with the court is deferred for consideration by the merits panel assigned to hear this case. Copies of the motion and this order shall be transmitted to the merits panel.

FOR THE COURT

OCT 11 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: John M. Skenyon, Esq.
Lisa Jon Pirozzolo, Esq.

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

OCT 11 2011

JAN HORBALY
CLERK