

NOTE: This order is nonprecedential.

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

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**ESSEX ELECTRO ENGINEERS, INC.,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee,*

and

**AVIATION GROUND EQUIPMENT CORP.,**  
*Defendant-Appellee.*

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2011-5016

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Appeal from the United States Court of Federal  
Claims in case no. 10-CV-379, Senior Judge Eric G. Brug-  
gink.

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**ON MOTION**

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Before LOURIE, GAJARSA, and LINN, *Circuit Judges.*  
LINN, *Circuit Judge.*

**O R D E R**

Essex Electro Engineers, Inc., moves for a stay, pending disposition of this appeal, of various orders and the judgment entered by the United States Court of Federal Claims. Essex also moves for an injunction and submits a "supplemental motion" in which it raises new arguments. Aviation Ground Equipment Corp. opposes. The United States opposes.

To obtain a stay or an injunction, pending appeal, a movant must establish a strong likelihood of success on the merits or, failing that, nonetheless demonstrate a substantial case on the merits provided that the harm factors militate in its favor. *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511, 513 (Fed. Cir. 1990) (citing *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987)). In deciding whether to grant a stay, pending appeal, this court "assesses the movant's chances of success on the merits and weighs the equities as they affect the parties and the public." *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277, 278 (Fed. Cir. 1987); *see also Standard Havens Prods.*, 897 F.2d at 513.

Based on the arguments in the motions papers, and without prejudicing the ultimate disposition of this case by a merits panel, this court determines that Essex Electro Engineers, Inc. has not met its burden to obtain a stay or an injunction.

Accordingly,

IT IS ORDERED THAT:

The motions are denied.

FOR THE COURT

FEB 09 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Charles E. Raley, Esq.  
Joseph A. Pixley, Esq.  
Paul J. Seidman, Esq.

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

**FEB 09 2011**

**JAN HORBALY**  
**CLERK**