

NOTE: This order is nonprecedential.

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

ACCENT PACKAGING, INC.,
Plaintiff-Appellant,

v.

LEGGETT & PLATT, INC.,
Defendant-Appellee.

2012-1011

Appeal from the United States District Court for the Southern District of Texas in case no. 10-CV-1362, Judge Lynn N. Hughes.

ON MOTION

Before LOURIE, *Circuit Judge.*

ORDER

Accent Packaging, Inc. moves unopposed for the court to take judicial notice of United States Patent Application Publication 2012/0012013 (for application 13/220,798). Leggett & Platt moves unopposed for leave to file a sur-reply.

Application 13/220,798 (“the ‘798 application”) was not published until after Accent filed its opening brief in this appeal. Accent addressed the ‘798 application in three pages of its reply brief. Leggett & Platt moves for leave to file a surreply for the limited purpose of addressing the arguments set forth in Accent’s reply brief relating to the ‘798 application.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for judicial notice is granted.

(2) The motion for leave to file a surreply is granted. Leggett & Platt’s surreply brief, not to exceed three pages, is due 14 days from the date of this order.

FOR THE COURT

JUN 21 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Keith D. Jaasma, Esq.
Bart A. Starr, Esq.

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

JUN 21 2012

JAN HORBALY
CLERK