

NOTE: This order is nonprecedential.

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

BRILLIANT INSTRUMENTS, INC.,
Plaintiff-Appellee,

v.

GUIDETECH, LLC,
Defendant-Appellant.

2012-1018

Appeal from the United States District Court for the Northern District of California, in case no. 09-CV-5517, Judge Claudia Wilken.

ON MOTION

O R D E R

Brilliant Instruments, Inc. ("Brilliant") moves for summary affirmance of the district court's grant of summary judgment of noninfringement. GuideTech, LLC ("GuideTech") opposes.

We deem it the better course to the deny the motion and for the case to be fully briefed and heard by a merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is denied.

(2) Brilliant Instruments shall file its brief within 30 days from the date of filing of this order.

FOR THE COURT

JUL 17 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Mark S. Davies, Esq.
Einav Cohen, Esq.

s25

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

JUL 17 2012

JAN HORBALY
CLERK