

NOTE: This order is nonprecedential.

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

SERVICE REMINDER LLC,
Plaintiff-Appellant,

v.

VOLKSWAGEN GROUP OF AMERICA, INC.,
Defendant-Appellee.

2012-1139

Appeal from the United States District Court for the Eastern District of Michigan in case no. 10-CV-12201, Judge Denise Page Hood.

ON MOTION

Before NEWMAN, LOURIE and O'MALLEY, *Circuit Judges.*

NEWMAN, *Circuit Judge.*

ORDER

Volkswagen Group of America, Inc. moves to dismiss this appeal for failure to prosecute. Service Reminder LLC has not responded.

On March 23, 2012, this court denied Volkswagen's prior motion to dismiss for failure to prosecute, but ordered Service Reminder to cure its non-compliance with Federal Rule of Appellate Procedure 10(b) immediately and to file its initial brief within 14 days. In that order, Service Reminder was cautioned to "adhere strictly to all of this court's rules and deadlines going forward."

Despite this warning, Service Reminder has not filed its initial brief or requested an extension of time to do so. Additionally, Volkswagen asserts Service Reminder remains out of compliance with Rule 10(b).

"[F]ailure to comply with the court's rules, including the requirements for preparing and filing briefs, appendices and other papers, may result in dismissal of an appeal for failure to prosecute." *Julien v. Zeringue*, 864 F.2d 1572, 1574 (Fed. Cir. 1989) (citations omitted).

Because Service Reminder has violated this court's order and failed to file its initial brief, this court has no choice but to dismiss this appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

JUN 22 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

JUN 22 2012

JAN HORBALY
CLERK

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cc: Jean-Marc Zimmerman, Esq.
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