

NOTE: This order is nonprecedential.

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

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**ACTIVEVIDEO NETWORKS, INC.,**  
*Plaintiff-Appellee,*

v.

**VERIZON COMMUNICATIONS, INC., VERIZON  
SERVICES CORP., VERIZON VIRGINIA INC., AND  
VERIZON SOUTH INC.,**  
*Defendants-Appellants.*

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2012-1479

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Appeal from the United States District Court for the  
Eastern District of Virginia in case no. 10-CV-0248, Judge  
Raymond A. Jackson.

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**ON MOTION**

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**O R D E R**

Verizon Communications, Inc., Verizon Services  
Corp., Verizon Virginia Inc., and Verizon South Inc.  
(collectively "Verizon") request this appeal be consolidated  
with appeal nos. 2011-1538, -1567, 2012-1129, and -1201  
or, in the alternative, dismissed.

The present appeal cannot be consolidated with the appeals listed above, because those appeals have been fully briefed and argued before a merits panel.

Further, it appears that Verizon seeks to appeal an unappealable interlocutory order. In its June 25, 2012 order, the district court explained that "Verizon has not represented to the Court that it intends to provide ActiveVideo or the Court with the information necessary to determine if Verizon is in compliance with the Court's [permanent injunction] Order." As a result, the district court directed Verizon to provide documents pertaining to Verizon's allegedly new and non-infringing device as well as to provide answers to interrogatories concerning that device.

Discovery orders are not final decisions and are, therefore, generally unappealable until final judgment has issued. *See Connaught Laboratories, Inc. v. Smith-Kline Beecham P.L.C.*, 165 F.3d 1368, 1369 (Fed. Cir.1999).

Accordingly,

IT IS ORDERED THAT:

The motion is denied. Verizon is directed to show cause, within the next 30 days, as to why this appeal should not be dismissed for lack of subject matter jurisdiction.

FOR THE COURT

AUG 29 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael J. Lyons, Esq.  
Michael K. Kellogg, Esq.

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

**AUG 29 2012**

**JAN HORBALY**  
**CLERK**