

NOTE: This order is nonprecedential.

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

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**DISTRIBUTED SOLUTIONS, INC.,**  
*Plaintiff-Appellant,*

v.

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

AND

**COMPUSEARCH SOFTWARE SYSTEMS, INC.,**  
*Defendant-Appellee.*

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2012-5129

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Appeal from the United States Court of Federal Claims in  
case no. 12-CV-274, Judge George W. Miller.

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**ON MOTION**

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Before RADER, *Chief Judge*, LOURIE and SCHALL, *Circuit  
Judges.*

PER CURIAM.

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## ORDER

Distributed Solutions, Inc. moves for a temporary injunction to prevent the United States Department of Labor and Compusearch Software Systems, Inc. from taking any further actions to implement Compusearch's contract during the pendency of this appeal. Distributed Solutions further seeks expedited consideration of its appeal. The United States and Compusearch oppose. Distributed Solutions replies.

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

Without prejudicing the ultimate disposition of this case by a merits panel, we conclude based upon the papers submitted that Distributed Solutions has not established that it is entitled to a temporary injunction pending this appeal. With regard to Distributed Solutions' motion to expedite, we note that while Distributed Solutions could have expedited the consideration of this case by filing its brief early, it has not done so. This case will be placed on the next available oral argument calendar after the briefing is completed.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

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FOR THE COURT

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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