

NOTE: This order is nonprecedential.

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

HOWMEDICA OSTEONICS CORP.,
Plaintiff-Appellant,

v.

**ZIMMER, INC. and CENTERPULSE
ORTHOPEDICS, INC. (formerly known as Sulzer
Orthopedics, Inc.),**
Defendants-Appellees,

and

SMITH & NEPHEW, INC.,
Defendant-Appellee.

2010-1162

Appeal from the United States District Court for the
District of New Jersey in case no. 05-CV-0897, Senior
Judge William H. Walls.

ON MOTION

O R D E R

Zimmer, Inc. and Centerpulse Orthopedics, Inc. move for leave to file a six-page sur-reply brief. Howmedica Osteonics Corp. opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion for leave to file a sur-reply brief is deferred to the merits panel assigned to hear this case. Copies of the motion, opposition, and this order shall be transmitted to the merits panel.

FOR THE COURT

JUL 14 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Gregory J. Vogler, Esq.
Gregory N. Stillman, Esq.
David K. Callahan, Esq.

s20

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

JUL 14 2010

JAN HORBALY
CLERK