

NOTE: This order is nonprecedential.

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

GERALD A. KELLOGG,
Plaintiff-Appellant,

v.

NIKE, INC. AND NIKE USA, INC.,
Defendants-Cross Appellants.

2010-1173, -1174, -1195, -1196

Appeals from the United States District Court for the District of Nebraska in case no. 07-CV-0070, Chief Judge Joseph F. Bataillon.

ON MOTION

ORDER

Gerald A. Kellogg moves to strike portions of Nike, Inc. and Nike USA, Inc.'s (Nike) reply brief. Nike opposes. Kellogg replies.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is deferred for consideration by the merits panel assigned to hear this case. Copies of this order, the motion, the response, and the reply shall be transmitted to the merits panel.

FOR THE COURT

FEB 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Mark J. Peterson, Esq.
B. Trent Webb, Esq.

s20

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

FEB 17 2011

JAN HORBALY
CLERK