

NOTE: This order is nonprecedential.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

O R D E R

Nike, Inc. and Nike USA, Inc. move for leave to file a corrected reply brief. Gerald Kellogg opposes in part. Nike replies.

Nike requests that it be allowed to correct six paragraphs. Nike and Kellogg agree that Nike may correct paragraphs 1 and 3-6 and thus the motion is unopposed and granted to that extent. Kellogg opposes the correction

identified as paragraph 2. The court defers that portion of the motion to the merits panel, and thus the corrected reply brief submitted in response to this order should not include proposed paragraph 2 at this time.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted to the extent that Nike may file a corrected brief as explained above. The corrected brief is due within 10 days of the date of this order. The motion regarding the proposed paragraph 2 correction 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

MAY 11 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

MAY 11 2011

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

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JAN HORBALY
CLERK