

NOTE: This order is nonprecedential.

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

FREDERICK FOSTER,
Plaintiff-Appellant,

v.

PITNEY BOWES CORPORATION,
Defendant-Appellee,

AND

UNITED STATES POSTAL SERVICE,
Defendant-Appellee,

AND

JOHN DOES 1-10,
Defendants.

2013-1374, -1444

Appeals from the United States District Court for the
Eastern District of Pennsylvania in No. 11-CV-7303,
Judge Joel H. Slomsky.

ON MOTION

PER CURIAM.

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O R D E R

Frederick Foster moves to revise the official caption in appeal No. 2013-1374 to include the United States Postal Service (USPS) as an appellee. The USPS opposes being added as a defendant-appellee and asks the court to strike portions of Foster's brief or in the alternative to be given leave to file a response to his brief.

Recently docketed appeal No. 2013-1444 involves the United States District Court for the Eastern District of Pennsylvania's July 23, 2012 order granting dismissal of the USPS as a defendant and subsequent denial of Foster's motion for sanctions against the USPS. That appeal, which is consolidated with appeal No. 2013-1374, moots the arguments made by the USPS.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Foster's motion is granted to the extent that the USPS is added as a defendant-appellee.
- (2) The revised official caption is reflected above.
- (3) Appellees should compute the due date of their briefs from the date of this order.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk