

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2003-1427, 2008-1378, -1400

ALEXANDER S. ORENSHTEYN,

Plaintiff-Appellant,

and

DAVID FINK, TIMOTHY W. JOHNSON,
and FINK & JOHNSON,

Sanctioned Parties-Appellants,

v.

CITRIX SYSTEMS, INC.,

Defendant-Appellee.

Appeals from the United States District Court for the Southern District of
Florida in case no. 02-CV-60478, Judge Adalberto Jordan.

ON MOTION

Before NEWMAN, Circuit Judge.

ORDER

Alexander S. Orenshteyn moves for leave to file dictionary excerpts as a supplemental appendix, with the two excerpts attached to his motion as Exhibits A and B. Citrix Systems, Inc. opposes. The court considers whether to treat Orenshteyn's submission as a motion for judicial notice.

Because the dictionary excerpts were not before the district court, they are not part of the record on appeal. See Fed. R. App. P. 10(a). Nevertheless, we conclude

that the dictionary excerpts may be judicially noticed. However, the relevance of the materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the court takes judicial notice of the dictionary excerpts.

(2) A copy of Exhibits A and B of Orenshteyn's motion and this order shall be transmitted to the merits panel assigned to decide this case.

FOR THE COURT

MAY 18 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Alexander S. Orenshteyn
Douglas J. Kline, Esq.
David Fink, Esq.

s17

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

MAY 18 2009

**JAN HORBALY
CLERK**