NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1054

CARL J. CONFORTI

Plaintiff-Appellant,

٧.

THE OCEAN GROUP, INC.

Defendant-Appellee,

and

TIMEX CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the District of Massachusetts in case no. 06-CV-10513, Judge George A. O'Toole, Jr.

ON MOTION

Before LINN, Circuit Judge.

ORDER

Carl J. Conforti moves for leave to file the appendix seven days out of time. The Ocean Group, Inc. and Timex Corporation each object.

The Ocean Group and Timex state that the appendix submitted by Conforti does not comply with the pagination provided to them by Conforti, rendering their appendix citations inaccurate. The Ocean Group and Timex state that they are attempting to resolve the pagination issues with Conforti.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for leave to file the appendix out of time is held in abeyance.

(2) Conforti is directed to provide a status report to the court within 14 days of the date of filing of this order concerning the status of the parties' efforts to resolve the dispute concerning pagination. The Ocean Group and Timex may also respond within that time.

FOR THE COURT

MAY -1 2009

/s/ Jan Horbaly Jan Horbaly Clerk

U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

cc: Brett N. Dorny, Esq.
Raymond M. Mehler, Esq.
Robert D. Fine, Esq.

JAN HORBALY CLERK

MAY - 1 2009

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