

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1094

ASYMMETRX, INC.,

Plaintiff-Appellant,

v.

BIOCARE MEDICAL, LLC,

Defendant-Appellee.

Appeal from the United States District Court for the District of Massachusetts  
in case no. 07-CV-11189, Judge Richard G. Stearns.

ON MOTION

## ORDER

Biocare Medical LLC. submits a motion to strike portions of Asymmetrx, Inc.'s  
reply brief.

Upon consideration thereof,

IT IS ORDERED THAT:

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

FOR THE COURT

**MAY 20 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

**MAY 20 2009**

JAN HORBALY  
CLERK

cc: Steven M. Bauer, Esq.  
Douglas B. Otto, Esq.

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