

NOTE: This order is nonprecedential

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

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**FORT PROPERTIES, INC.,**  
*Plaintiff-Appellee,*

v.

**AMERICAN MASTER LEASE LLC,**  
*Defendant-Appellant.*

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2009-1242

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Appeal from the United States District Court for the  
Central District of California in case no. 07-CV-365,  
Judge Andrew J. Guilford.

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**ON MOTION**

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Before DYK, *Circuit Judge.*

**ORDER**

Fort Properties, Inc. moves to lift the stay of the briefing schedule and for leave to withdraw Seth H. Ostrow and Ostrow Kafman & Frankl LLP as counsel. American Master Lease LLC moves to remand this case to the district court for further proceedings.

American Master Lease has not demonstrated in its motion why remand may be appropriate. We deny the motion without prejudice to American Master Lease making arguments in its brief concerning remand. Because American Master Lease filed its opening brief before the Supreme Court issued its decision in Bilski v. Kappos, --- U.S. ---, 130 S.Ct. 3218 (2010), we deem the better course is to require the appellant to file a new opening brief which may also include any arguments about recent case law.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) American Masters Lease LLC's motion to remand is denied without prejudice.

(2) Fort Properties, Inc.'s motions are granted. The stay of the briefing schedule is lifted. The appellant is directed to file a replacement opening brief within 45 days of the date of filing of this order.

FOR THE COURT

DEC 01 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Arianna Frankl, Esq.  
Anthony G. Graham, Esq.

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

DEC 01 2010

JAN HORBALY  
CLERK