United States Court of Appeals for the Federal Circuit

2009-1385, -1419

FRANK T. SHUM,

Plaintiff-Appellant,

v.

INTEL CORPORATION, LIGHTLOGIC, INC.,
and JEAN-MARC VERDIELL,

Defendants-Cross Appellants.

Appeal from the United States District Court for the Northern District of California in case no. 02-CV-3262, Senior Judge D. Lowell Jensen.

ON MOTION

Before LOURIE, <u>Circuit Judge</u>.

O R D E R

Frank T. Shum moves for leave to exceed the word limitation and file an opening brief of up to 21,000 words. Intel Corporation et al. (Intel) oppose. Shum replies. We treat Shum's motion to dismiss his appeal as a motion to remand.

In his motion to remand, Shum argues the merits of his case. Such arguments must be included in his brief, if appropriate.

Upon consideration thereof,

IT IS ORDERED THAT:

(1)   The motions are denied. Shum's opening brief is rejected for filing.

(2)   Shum's replacement opening brief, not to exceed 14,000 words, is due within 21 days of the date of filing of this order. Intel should calculate the due date for its brief from the date of filing of Shum's replacement brief.

FOR THE COURT

NOV 13 2009
_____
Date

/s/ Jan Horbaly
_____
Jan Horbaly
Clerk

cc: Paul F. Kirsch, Esq.
        William F. Lee, Esq.

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

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JAN HORBALY
CLERK

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