

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1500

MEDPOINTE HEALTHCARE, INC.  
(doing business as Wallace Pharmaceuticals),

Plaintiff-Appellee,

v.

WALTER E. KOZACHUK,

Defendant-Appellant.

Appeal from the United States District Court for the District of New Jersey  
in case no. 3:04-CV-02019, Judge Mary L. Cooper.

ON MOTION

Before LOURIE, Circuit Judge.

## ORDER

Walter E. Kozachuk moves for an extension of time to file his brief. MedPointe Healthcare, Inc. opposes. Kozachuk replies.

The appellant's opening brief was due on October 13, 2009. The court dismissed this appeal on November 10, 2009 due to the appellant's failure to timely file his brief.

Upon consideration thereof,

IT IS ORDERED THAT:

The mandate will be recalled, the dismissal order will be vacated, the appeal will be reinstated, and the motion will be granted, if Kozachuk files his opening brief no later than December 18, 2009.

FOR THE COURT

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

NOV 25 2009

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\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

JAN HORBALY  
CLERK

cc: Richard H. Brown, III, Esq.  
Walter E. Kozachuk  
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