

NOTE: This order is nonprecedential.

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

MAX RACK, INC.,
Plaintiff-Appellant,

v.

HOIST FITNESS SYSTEMS, INC.,
Defendant-Appellee.

2010-1417

Appeal from the United States District Court for the Southern District of Ohio in case no. 05-CV-0784, Judge Michael H. Watson.

ON MOTION

O R D E R

Upon consideration of the unopposed motion to have the United States District Court for the Southern District of Ohio transmit to this court DE 90 and DE 92, video of Hoist PTS in use, labeled Exhibit J to Plaintiff's Memorandum in Opposition to Hoist's Renewed Motion for Partial Summary Judgment on Infringement of U.S. Patent No. 5,215,510,

IT IS ORDERED THAT:

(1) The motion to transmit the exhibits is granted. The physical exhibits will be retained by this court's clerk's office.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

DEC 16 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jeffrey S. Standley, Esq.
John L. Haller, Esq.
USDC, SD OH, Clerk

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

DEC 16 2010

JAN HORBALY
CLERK