

NOTE: This order is nonprecedential.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

Hoist Fitness Systems, Inc. moves "to allow the lodgment of a 'Reduced Size' sample Personal Training System." Max Rack, Inc. responds.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is deferred for consideration by the merits panel assigned to hear this case. Copies of the motion, response, and this order shall be transmitted to the merits panel so that the panel can determine whether use of a reduced size sample is appropriate at oral argument.

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