

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

MISCELLANEOUS DOCKET NO. 914

IN RE NINTENDO CO., LTD. and NINTENDO OF AMERICA INC.,

Petitioners.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas, case no. 6:08-cv-429, Judge Leonard Davis.

ON PETITION FOR WRIT OF MANDAMUS

Before RADER, Circuit Judge.

## ORDER

Motiva LLC moves for leave to file a surreply.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted.

FOR THE COURT

NOV 24 2009

\_\_\_\_\_  
Date

\_\_\_\_\_  
/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Alex V. Chachkes, Esq.  
Christopher D. Banyas, Esq.

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

NOV 24 2009

JAN HORBALY  
CLERK