NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

SOURCE VAGABOND SYSTEMS LTD., Plaintiff-Appellant,

v.

HYDRAPAK, INC., Defendant-Appellee.

2012-1408

Appeal from the United States District Court for the Southern District of New York in case no. 11-CV-5379, Judge Colleen McMahon.

ON MOTION

ORDER

Hydrapak, Inc. moves for attorney fees and double its costs on appeal. Source Vagabond Systems Ltd. opposes. Hydrapak, Inc. replies.

Hydrapak, Inc. argues that Source Vagabond Systems Ltd.'s appeal is frivolous. Because Hydrapak, Inc.'s arguments are intertwined with the merits of the appeal, SOURCE VAGABOND SYSTEMS LTD. V HYDRAPAK, INC.

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we deem the better course is to defer the motion to the merits panel.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is deferred for consideration by the merits panel assigned to hear this case.

(2) A copy of Hydrapak, Inc's motion, Source Vagabond Systems Ltd.'s opposition, Hydrapak, Inc's reply, and this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

<u>/s/ Jan Horbaly</u> Jan Horbaly Clerk

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