

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY ELLE FASHIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:10-cv-659-JPG-DGW
	)	
TECHNOLOGY RESEARCH	)	
CORPORATION,	)	
	)	
Defendant.	)	

**ORDER**

Now pending before the Court is the United States of America’s Motion for Certification and Leave to Intervene (Doc. 31). The Government seeks to intervene for the purpose of defending the constitutionality of 35 U.S.C. § 292.

The Court hereby **ORDERS**:

1. The Government’s Motion to Intervene is **GRANTED**.
2. The Court **CERTIFIES** to the Attorney General, pursuant to Fed. R. Civ. P. 5.1(b) and 28 U.S.C. § 2403, that the constitutionality of 35 U.S.C. § 292 has been questioned in this case.
3. The following briefing schedule on the issue of the constitutionality of 35 U.S.C. § 292 applies:
  - a. The United States shall file its brief defending the constitutionality of the provision by **March 25, 2011**.
  - b. The Plaintiff and Defendant may file any responsive briefs by **April 25, 2011**.
  - c. The United States may file a reply by **May 6, 2011**.

**IT IS SO ORDERED.**

**DATED: February 23, 2011**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**