

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv576

PRECISION LINKS INCORPORATED,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
USA PRODUCTS GROUP, INC. and)	
HOME DEPOT U.S.A., INC.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the Plaintiff's Motion for Miscellaneous Relief. [Doc. 89].

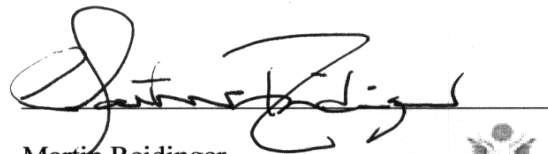
In its motion, the Plaintiff moves the Court to characterize its July 23, 2010 filing as a notice of appeal, or, in the alternative, to amend its Order entered August 11, 2010 to extend the time for filing an appeal under Fed. R. App. P. 4(a)(4), or, in the further alternative, to treat the Plaintiff's Notice of Appeal filed September 7, 2010 as a motion for extension of time to file a notice of appeal pursuant to Fed. R. App. P. 4(a)(5). [Doc. 89]. The Defendants oppose the Plaintiff's motion, arguing that this Court has no authority to grant any of the requested relief. [Doc. 90].

While this motion was pending, the United States Court of Appeals for the Federal Circuit issued a ruling dismissing the Plaintiff's appeal as untimely. Precision Links Inc. v. USA Products Group, Inc., No. 2010-1538, 2010 WL 5080939 (Fed. Cir. Dec. 8, 2010). As such, the Plaintiff's motion seeking miscellaneous relief has been rendered moot.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Miscellaneous Relief [Doc. 89] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: January 18, 2011


Martin Reidinger
United States District Judge 