

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**FREDERICK FOSTER,**  
*Plaintiff-Appellant,*

v.

**PITNEY BOWES CORPORATION,**  
*Defendant-Appellee,*

AND

**UNITED STATES POSTAL SERVICE,**  
*Defendant-Appellee,*

AND

**JOHN DOES 1-10,**  
*Defendants.*

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2013-1374

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Appeal from the United States District Court for the  
Eastern District of Pennsylvania in No. 11-CV-7303,  
Judge Joel H. Slomsky.

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**ON MOTION**

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PER CURIAM.

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**O R D E R**

Frederick Foster has filed a motion for “judicial notice of new evidence pursuant to F.R.Evid. 201(c) and intervening change of controlling law/correction of error pursuant to F.R.C.P. 59(e).” Pitney Bowes Corporation and the United States Postal Service oppose.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are deferred for consideration by the merits panel. A copy of the motions papers and this order shall be transmitted to the merits panel assigned to the case.

FOR THE COURT

/s/ Daniel E. O’Toole  
Daniel E. O’Toole  
Clerk

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