

NOTE: This order is nonprecedential.

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

MICHAEL J. CUTINO,
Appellant,

v.

NIGHTLIFE MEDIA, INC.,
Appellee.

2013-1541

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in Opposition
No. 91186025.

ON MOTION

O R D E R

Nightlife Media, Inc. moves without opposition for leave to file a formal brief, leave to file a supplemental appendix, and for an extension of time. Michael J. Cutino files a request for an informal brief, which the court construes as a motion to file a corrected informal brief.

Nightlife's motion suggests that some documents submitted with Cutino's brief may not be part of the

record before the Trademark Trial and Appeal Board. To the extent that any documents were improperly included, Nightlife should file a formal motion to strike such documents. *See* Fed. R. App. P. 16(a).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Cutino's motion to file a corrected informal brief is granted. His informal brief tendered on August 26, 2013, is accepted as filed.

(2) Nightlife's formal response brief, compliant with Fed. R. App. P. 28 and Fed. Cir. R. 28, including a summary of the argument, is due within 40 days of the date of this order.

(3) Nightlife's motion for leave to file a supplemental appendix with its brief is granted. The supplemental appendix should include the certified list.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court