

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1253, -1260

APPLERA CORPORATION – APPLIED BIOSYSTEMS GROUP,

Plaintiff-Appellant,

v.

ILLUMINA, INC. and STEPHEN C. MACEVICZ,

Defendants-Appellees,

and

SOLEXA, INC.,

Defendant-Cross Appellant.

Appeals from the United States District Court for the Northern District of California in
case no. 07-CV-02845, Judge William H. Alsup.

ON MOTION

Before LINN, Circuit Judge.

ORDER

Applera Corporation – Applied Biosystems Group moves to reform the caption to designate it as the appellant and to designate Solexa, Inc. as the cross-appellant.

Pursuant to Fed. R. App. P. 28.1(b), we modify the caption as reflected above. Additionally, the court identifies Illumina, Inc. and Stephen C. Macevicz as appellees in the caption. If Illumina and Macevicz do not intend to participate as appellees, then they should promptly notify the court. If Illumina and Macevicz do intend to participate, then they may not file a brief separate from the brief filed by Solexa. Instead, because the defendants are all represented by the same law firm, the defendants may only file a

combined brief. See Practice Note following Fed. Cir. R. 28. The combined brief may not exceed the brief lengths permitted for cross-appellants in Fed. R. App. P. 28.1(e)(2).

Accordingly,

IT IS ORDERED THAT:

The motion is granted to the extent that the modified official caption is reflected above. The appellant's opening brief is due within 30 days of the date of filing of this order.

FOR THE COURT

APR 13 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

cc: Edward R. Reines, Esq.
Kevin M. Flowers, Esq.

APR 13 2009

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JAN HORBALY
CLERK