

NOTE: This order is nonprecedential.

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

HIGHMARK, INC.,
Plaintiff-Appellee,

v.

**ALLCARE HEALTH MANAGEMENT SYSTEMS,
INC.,**
Defendant-Appellant.

2011-1219

Appeal from the United States District Court for the Northern District of Texas in case no. 03-CV-1384, Judge Terry Means.

ON MOTION

O R D E R

Highmark, Inc. moves without opposition for a 7-day extension of time, until December 16, 2011, to file its reply to Allcare's opposition to Highmark's motion to find appeal by Allcare Health Management Systems, Inc. to be frivolous.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion for an extension of time is granted.
- (2) The motion to find the appeal frivolous is deferred for consideration by the merits panel. Copies of this order, the motion, the response, and the reply shall be transmitted to the merits panel.

FOR THE COURT

DEC 14 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Cynthia E. Kernick, Esq.
Donald R. Dunner, Esq.

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

DEC 14 2011

JAN HORBALY
CLERK