

NOTE: This order is nonprecedential.

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

**CAPITAL MACHINE COMPANY, INC. AND INDIANA
FORGE, LLC,**

Plaintiffs/Counterclaim Defendants-Appellants,

AND

WILLIAM L. KOSS,
Counterclaim Defendant,

v.

MILLER VENEERS, INC.,
Defendant/Counterclaimant-Appellee,

AND

**THOMAS A. MILLER, BENJAMIN R. MILLER,
SALLY M. SANDO, ROBERT D. BRAND,
INDIANAPOLIS VENEER WORKS, LLC, EGENOLF
MACHINE, INC., AND MERRITT PLYWOOD
MACHINERY, INC.,**

Defendants/Counterclaimants-Appellees.

2012-1288

Appeal from the United States District Court for the
Southern District of Indiana in case no. 09-CV-0702,
Judge Jane Magnus-Stinson.

CAPITAL MACHINE COMPANY, INC. V. MILLER VENEERS, INC.

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ON MOTION

O R D E R

Miller Veneers et al. (Miller Veneers) move for leave to file a surreply brief, with surreply brief attached, to address arguments they assert were raised by Capital Machine Company, Inc. and Indiana Forge, LLC (“Capital Machine”) for the first time in their reply brief. Capital Machine opposes or in the alternative moves for leave to file a sur-surreply. Miller Veneers replies.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are denied.

FOR THE COURT

SEP 25 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael A. Swift, Esq.
Paul B. Overhauser, Esq.
James L. McNeely, Esq.

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

SEP 25 2012

JAN HORBALY
CLERK