

2009-1504

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

**I4I LIMITED PARTNERSHIP AND
INFRASTRUCTURES FOR INFORMATION INC.,**

Plaintiffs-Appellees,

v.

MICROSOFT CORPORATION,

Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Texas
In Case No. 07-CV-113, Judge Leonard Davis

**REPLY BRIEF IN SUPPORT OF MICROSOFT'S MOTION TO STAY
ISSUANCE OF THE MANDATE PENDING THE FILING AND
DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI**

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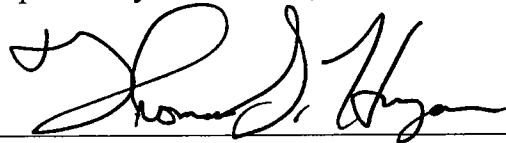
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US COURT OF APPEALS
FEDERAL CIRCUIT

i4i has stated that it does not oppose Microsoft's motion to stay issuance of this Court's mandate pending the filing and disposition of a writ of certiorari with the United States Supreme Court. i4i also does not contest that Microsoft has satisfied the requirements for such a stay under Federal Rule of Appellate Procedure 41(d)(2)(A). This Court should therefore grant the motion.

i4i's response, however, includes an incorrect statement of the law. Contrary to i4i's assertion, this Court's stay of the district court's injunction pending appeal remains in force until the mandate issues, absent further order from this Court. *See, e.g., South Dakota v. Ubbelohde*, 337 F.3d 1022, 1023 (8th Cir. 2003) ("The stay of injunction remains in effect until the mandate of this Court issues"). In any event, this Court need not resolve this issue to grant Microsoft's motion.

Respectfully submitted,



Thomas G. Hungar
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Attorney for Microsoft Corporation

April 8, 2010

CERTIFICATE OF INTEREST

Counsel for Appellant Microsoft Corporation certifies the following:

1. The full name of every party represented by the undersigned counsel is: Microsoft Corporation.

2. The name of the real party in interest represented by the undersigned counsel is: Microsoft Corporation.

3. All parent corporations and any publicly held companies that own 10% or more of the stock of the party or amicus curiae represented by the undersigned counsel are: Microsoft Corporation has no parent company, and no publicly-held corporation owns 10% or more of Microsoft Corporation's stock.

4. There is no such corporation as listed in paragraph 3.

5. The names of all law firms and the partners or associates that appeared for Microsoft Corporation in proceedings in the trial court or before the agency or are expected to appear in this Court, are:

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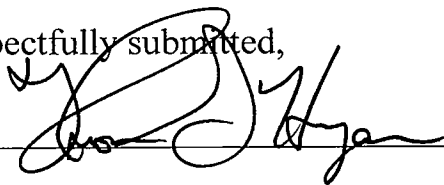
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CERTIFICATE OF SERVICE

I certify that on April 8, 2010, one copy of the foregoing REPLY BRIEF IN SUPPORT OF MOTION TO STAY ISSUANCE OF THE MANDATE PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI was served by commercial carrier for next-day delivery upon the following:

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April 8, 2010



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