

**UNITED STATES COURT OF APPEALS** August 11, 2008

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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MEDICAL SUPPLY CHAIN, INC.,

Plaintiff,

v.

No. 08-3187

NEOFORMA, INC, et al.,

Defendants - Appellees,

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SAMUEL K. LIPARI,

Interested Party- Appellant.

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**ORDER**

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The court reserves judgment on the motion to dismiss filed by the appellees. The matter will be referred to the panel assigned to hear this appeal on the merits.

Briefing on the merits shall proceed. The appellant shall file his opening brief within 40 days of the date of this order. Subsequent briefing shall proceed in

accordance with the schedule set forth in the Tenth Circuit Rules.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney