

NOTE: This order is nonprecedential.

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

ESCAPEX IP, LLC,
Plaintiff-Appellant

v.

GOOGLE LLC,
Defendant-Appellee

2024-1201

Appeal from the United States District Court for the
Northern District of California in No. 3:22-cv-08711-VC,
Judge Vince Chhabria.

ON MOTION

O R D E R

In light of the district court's decision on attorneys' fees and EscapeX IP, LLC's amended notice of appeal from that decision, Google LLC states that EscapeX IP's motion to stay, ECF No. 9, is moot and that EscapeX IP does not object to that characterization. ECF No. 13 at 2. EscapeX IP now moves to "extend the briefing schedule by 60 days after the Appeal Record is due" with respect to EscapeX IP's amended notice of appeal "because more time is needed to

file the appeal brief given the new Order from the District Court.” ECF No. 14-1 at 4.

The court notes that Federal Circuit Rule 11(a)(1) directs the district court clerk to “send to this court a certified copy of the docket entries instead of the record,” and Federal Circuit Rule 31(a)(1)(A) sets the deadline for the opening brief to 60-days after docketing (rather than after the record is filed). This court has not yet, however, received the amended notice of appeal or the updated certified copy of the docket entries from the district court.

The court will deny the motion to stay as moot, and the stay of this appeal therefore is lifted. EscapeX IP’s motion to extend time has demonstrated sufficient good cause to extend the deadline by 60 days from the date of entry of this order. *See* Fed. R. App. P. 26(b). Extension beyond that amount is denied without prejudice to a new motion for further extension supported by good cause.

Accordingly,

IT IS ORDERED THAT:

- (1) ECF No. 9 is denied as moot.
- (2) The stay of the briefing schedule is lifted.

ESCAPEX IP, LLC v. GOOGLE LLC

3

(3) ECF No. 14-1 is granted to the extent that EscapeX IP's opening brief is due no later than 60 days from the date of entry of this order.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 5, 2024
Date

cc: Clerk of Court, United States District Court for the
Northern District of California