



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

2019-1880- Bank v. Al Johnson's Swedish Rest.

NOTICE OF SUBMISSION WITHOUT ORAL ARGUMENT

Your case will not be scheduled for oral argument. On December 6, 2019, the Clerk's Office will submit your case to a three-judge panel. The panel will then decide your case based on the argument in the briefs and the materials in the record of your case. This procedure is called "submission on briefs."

Oral argument will not be held if the briefs and the record fully explain the facts and the legal arguments in the case, and oral argument would not help the panel decide the case. Fed. R. App. P. 34(a)(2). In argued and in submitted cases, the panel fully considers all arguments raised by the parties, regardless of whether oral argument occurred.

Before Your Case is Submitted

You may file two other documents:

1. Memorandum in Lieu of Oral Argument

This Memorandum allows you to discuss any items the opposing party raised in its brief. The Memorandum may not exceed five (5) pages and must be hand- or type-written on 8 ½ by 11-inch paper.

If you choose to file a Memorandum, please file a signed original and six (6) copies by 11/04/2019.

2. Motion Requesting Oral Argument

You may choose to file a motion explaining why oral argument would help the court decide your case. If your motion for oral argument is granted, the argument would be scheduled for hearing on the same date that your case is scheduled to be submitted to the court. The Clerk's Office will notify you if the panel allows argument in your case.

If you choose to file a Motion, please file one signed original motion by 11/04/2019.

When Your Case is Submitted

Your case will be one of several cases that will be submitted to the panel on the submission date. Some of these cases will be argued and some will also be submitted without argument.

Because your case is being submitted without oral argument, you do not need to attend the court session. The panel will not discuss your case during the court session. Neither you nor the opposing party will have an opportunity to speak to the panel.

After Your Case is Submitted

The panel will review the briefs and other materials in the record of your case. The panel of judges will then issue a written decision in your case. In some cases, the panel issues a decision shortly after the submission date. In other cases, the panel may take several months to issue its decision.

Once the panel issues its decision, the Clerk's Office will send you a copy. On the day the panel issues its decision, you will also be able to view your decision on the court's website after 11 a.m. (Eastern) at <http://www.cafc.uscourts.gov/>.

While you may contact the Clerk's Office to see if the panel has issued its decision in your case, the Clerk's Office does not know ahead of time when the panel will decide your case. The Clerk's Office cannot influence how quickly or when the panel decides your case.

Additional Assistance

If you have any questions about this notice or your case, please contact the Clerk's Office at (202) 275-8035. Please continue to contact the Clerk's Office for all communications to the court about your case or other matters.

FOR THE COURT

October 21, 2019

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court

By: J. Bayles, Deputy Clerk