

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY
DEPUTY

MONKEYMEDIA, INC.,

Plaintiff,

-vs-

Case No. A-10-CA-319-SS

APPLE INC.,

Defendant;

-vs-

Case No. A-10-CA-533-SS

**WALT DISNEY STUDIOS HOME
ENTERTAINMENT, et al.,**

Defendants.

ORDER

BE IT REMEMBERED on this day the Court reviewed the files in the above-styled causes, and specifically the Motions to Stay filed in each case. Having reviewed the documents, the relevant law, and the files in their entireties, the Court now enters the following opinion and orders GRANTING AS MODIFIED the motions.

Three patents at issue in these cases—the ‘158 patent, the ‘218 patent, and the ‘648 patent (the “seamless expansion” patents)—have recently been reexamined by the United States Patent and Trademark Office. The PTO has initially rejected all claims in the three patents, which share a common specification. Because a final rejection of the claims by the PTO would render MONKEYmedia’s claims related to the “seamless expansion” patents moot, some of the Defendants in these two related causes seek stays pending a final decision by the PTO. In response,

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MONKEYmedia argues the PTO process is notoriously slow, and a potentially multi-year stay would significantly prejudice MONKEYmedia while serving no legitimate purpose.

The Court has no intention to stay these cases indefinitely. However, a modest stay may serve to resolve or clarify the issues in the cases to a significant extent, particularly if the parties are as interested in the efficient resolution of this dispute as they both purport to be. Accordingly, this case shall be **STAYED** until **Monday, October 24, 2011**. The United States Patent and Trademark Office is ordered to expedite the reexamination of U.S. Patent Nos. 6,393,158, 7,467,218, and 7,890,648, and to advise the Court and the parties in these cases of its results prior to October 24, 2011. The relevant parties in these causes shall likewise expedite their submissions, if any, to the PTO to facilitate timely reexamination; shall advise the PTO of this stay and the order for expedited review; and shall provide copies of this order to all appropriate personnel within the PTO.

Accordingly,

IT IS ORDERED that Defendants' motions to stay are GRANTED AS MODIFIED;

IT IS FURTHER ORDERED that these cases are **STAYED** until **Monday, October 24, 2011**;

IT IS FINALLY ORDERED that the United States Patent and Trademark Office shall expedite reexamination of U.S. Patent Nos. 6,393,158, 7,467,218, and 7,890,648, and shall provide the results of its reexamination to the parties and the Court before the above date.

SIGNED this the 24th day of July 2011.



SAM SPARKS
UNITED STATES DISTRICT JUDGE