

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GRAPHIC PACKAGING
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

v.

C.W. ZUMBIEL CO., an Ohio
corporation,

Defendant.

CIVIL ACTION FILE
NO. 1:04-CV-314-TWT

ORDER

For who would bear the whips and scorns of time,
Th' oppressor's wrong, the proud man's contumely,
The pangs of despised love, *the law's delay*,
The insolence of office, and the spurns
That patient merit of th' unworthy takes,
When he himself might his quietus make
With a bare bodkin?

– William Shakespeare, Hamlet, Act 3, Scene 1.

This is a patent infringement action. It is before the Court on the Plaintiff's Renewed Motion to Reopen Case and Lift Stay [Doc. 80]. The consent order that stayed the case 8 years ago was intended to allow the inter partes reexaminations of the two patents-in-suit by the United States Patent and Trademark Office. The consent order provided that the stay would be in effect until final resolution of the

PTO reexamination and any appeal to the Federal Circuit. Since the first motion to reopen the case was filed, the Petition for Rehearing was denied on March 1, 2013, and the Mandate was issued on March 8, 2013. And the PTO issued the Reexamination Certificate for the '639 Patent on April 11, 2013. Thus, the reexamination process as contemplated by the consent order is final and complete. The fact that the Defendant has filed a request for an ex parte reexamination of the '639 Patent is not grounds for extending the original stay. The Plaintiff's Renewed Motion to Reopen Case and Lift Stay [Doc. 80] is GRANTED. The stay is lifted and the Clerk is directed to reopen this case.

SO ORDERED, this 23 day of April, 2013.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge