

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

FILED

2011 JUL 27 PM 3:54

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 now enters the following opinion and orders.

On July 25, 2011, the Court entered an order in the each of the above causes, granting certain Defendants' motions for a stay pending reexamination of the "seamless expansion" patents. The orders stayed the cases until October 24, 2011, and directed the United States Patent Office to expedite its review, because the Court believed all parties would work together to achieve a quick and efficient reexamination of the patents.

Recently, the Court was advised Plaintiff MONKEYMedia, Inc.'s prosecution counsel wish to file with the PTO a formal request for reconsideration of the PTO's denial of MONKEYMedia's

✓

request for extension of time to file an answer to the reexamination. In short, MONKEYMedia wants more time to respond to the PTO's initial rejection of its patents.


Obviously, the PTO cannot expedite its reexamination if the parties drag their feet. This Court ordered an abbreviated stay in this case on the assumption all parties were interested in resolving matters quickly, and in the hope the case could retain its place on the Court's busy civil docket. MONKEYMedia in particular was adamant any delay would be both wasteful and inequitable. However, because MONKEYMedia is apparently no longer in any hurry, neither is the Court. This case will proceed when the PTO has fully reexamined the "seamless expansion" patents and come to a final conclusion, a process whose length will be dictated primarily by the actions of the parties before the PTO.

Accordingly,

IT IS ORDERED that this case is STAYED pending final reexamination of the "seamless expansion" patents by the United States Patent and Trademark Office;

IT IS FINALLY ORDERED that all settings and deadlines in this case are VACATED until further order of the Court.

SIGNED this the 27<sup>th</sup> day of July 2011.

  
\_\_\_\_\_  
SAM SPARKS  
UNITED STATES DISTRICT JUDGE