

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PRE HOLDING, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:09CV458-HEH
)	
MONAGHAN MEDICAL)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendant.)	

ORDER
(Denying Motion to Stay Proceedings)

THIS MATTER is before the Court on Defendants’ Motion to Stay Pending the Final Resolution of the Requested Reexamination of the Patent-In-Suit (Dk. No. 42), filed on September 11, 2009. The Defendants’ filed a memorandum in support of its position and a reply, and the Plaintiff filed a response. The Court will dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid in the decisional process.

Upon due consideration, the Court finds no compelling reason to stay the proceedings in this case. 35 U.S.C. § 318 indicates that a stay may be obtained once an order for inter partes reexamination of a patent *has been issued*. At this juncture, the Defendants’ request for reexamination is still pending, making a stay premature. Should the Patent Trademark Office grant the Defendants’ request for reexamination, the Defendants’ may again request a stay of this case. Accordingly, Defendant’s Motion

(Dkt. No. 42) is DENIED.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is SO ORDERED.

 /s/ _____

Henry E. Hudson
United States District Judge

Date: Oct. 15, 2009
Richmond, VA