

NOTE: This order is nonprecedential

United States Court of Appeals for the Federal Circuit

2010-1020

CROWN PACKAGING TECHNOLOGY, INC.
and CROWN CORK & SEAL USA, INC.,

Plaintiffs-Appellants,

v.

BALL METAL BEVERAGE CONTAINER CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the Southern District
of Ohio in case no. 05-CV-0281, Judge Walter H. Rice.

ON MOTION

Before LOURIE, Circuit Judge.

ORDER

Crown Packaging Technology, Inc. and Crown Cork & Seal, USA (Crown) move to stay proceedings in this appeal pending the court's en banc disposition in Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co., 2008-1248. Ball Metal Beverage Container Corp. opposes.

Crown states that this appeal involves the applicability and scope of the written description requirement.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion to stay is granted. Crown is directed to inform the court within 30 days of the disposition of Ariad how it believes this appeal should proceed. Ball Metal may also respond within that time.

FOR THE COURT

DEC 02 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Dale M. Heist, Esq.
John D. Luken, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

DEC 02 2009

JAN HORBALY
CLERK