

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-1080

THE WESTERN UNION COMPANY,

Plaintiff-Appellee,

v.

MONEYGRAM PAYMENT SYSTEMS, INC.,

Defendant-Appellant.

Appeal from the United States District Court for the Western District of Texas
in case no. 1:07-CV-372, Judge Sam Sparks.

ON MOTION

ORDER

MoneyGram Payment Systems, Inc. moves for a stay, pending appeal, of the permanent injunction entered by the United States District Court for the Western District of Texas. The Western Union Company responds and indicates that it believes deactivation may be appropriate in light of a motion filed by MoneyGram in the district court seeking modification of the injunction. MoneyGram requests leave to withdraw its motion for a stay, pending appeal and states that it does not believe that deactivation is warranted.

Because the pending district court motion is not a type of motion listed in Fed. R. App. P. 4(a)(4)(A), deactivation is not warranted.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The request to withdraw is granted. MoneyGram's motion for a stay, pending appeal, is withdrawn.

(2) The revised official caption is reflected above.

FOR THE COURT

DEC 15 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Emmett J. McMahon, Esq.
David E. Sipiora, Esq.

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

DEC 15 2009

JAN HORBALY
CLERK