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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AVERY DENNISON CORPORATION,

Plaintiff,

v.

TORAY INTERNATIONAL, INC.,

Defendant.

No. C 08-5799 MHP

MEMORANDUM & ORDER

**Re: Toray’s Motion to Stay the Proceedings
Pending Reexamination**

Defendant Toray International, Inc., (“Toray”) moves the court to stay further proceedings in this action pending the conclusion of inter partes reexaminations by the U.S. Patent and Trademark Office (“USPTO”) of each of the patents in suit. The USPTO has granted Toray’s Requests for Reexamination for each of the three patents in suit and has issued Office Actions rejecting every claim in each of the three patents. The reexamination proceeding is ongoing. Plaintiff Avery Dennison Corporation (“Avery”) does not oppose the motion to stay, but it seeks a stay order that includes a provision requiring Toray to provide ninety days advance notice in the event Toray should decide to make, sell, offer for sale or import any machine that is related to the process of attaching a radio frequency identification device (“RFID”) inlay to an antenna.

Good cause appearing, Toray’s motion to stay is GRANTED. All proceedings in this action are hereby stayed pending the conclusion of the inter partes reexamination proceedings for the three patents in suit. Avery’s request for an order mandating advance notice is not warranted at this time

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and is DENIED. Either party may seek relief from the stay if, for instance, events which it believes are prejudicial to its rights transpire or the reexamination process is unreasonably delayed.

IT IS SO ORDERED.

Dated: September 23, 2009



MARILYN HALL PATEL
United States District Court Judge
Northern District of California