

D) Plaintiff shall not refile this action against Defendants alleging infringement of claims pending in the current Reexamination of United States Patent No. 7,457,250 (Reexamination Control No. 90/009513) until, if ever, the completion of the Reexamination of those claims.

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Date: December 22, 2009

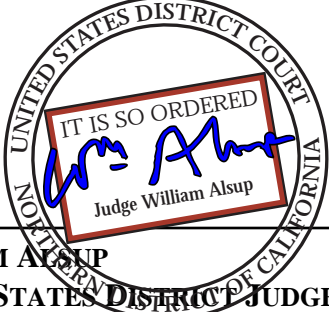
Date: December 22, 2009

Pursuant to stipulation, the above-numbered case is hereby **DISMISSED** without prejudice.

THE CLERK SHALL CLOSE THE FILE.

IT IS SO ORDERED.

Dated: December 22, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE