

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PEACH STATE LABS, INC.

Plaintiff,

-vs-

Case No. 6:09-cv-395-Orl-28DAB

ENVIRONMENTAL MANUFACTURING
SOLUTIONS, LLC

Defendant.

_____ /

ORDER

This case is before the Court on Defendant's Motion to Stay Enforcement of Permanent Injunction, Contempt Proceedings and Issuance of Final Judgment Pending a Final Decision of the USPTO of Reexamination and Appeal (Doc. No. 310) filed December 15, 2011. The United States Magistrate Judge has submitted a report recommending that the motion be granted.

After an independent *de novo* review of the record in this matter, and consideration of Plaintiff's Objections to the Report and Recommendation (Doc. 319) and Defendant's Response to Plaintiff's Objections (Doc. 321), Plaintiff's Objections are **OVERRULED**. The Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed January 31, 2012 (Doc. No. 317) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Defendant's Motion to Stay Enforcement of Permanent Injunction, Contempt Proceedings and Issuance of Final Judgment Pending a Final Decision of the USPTO of Reexamination and Appeal (Doc. No. 310) is **GRANTED**.

3. The enforcement of the Permanent Injunction, the contempt proceedings, and issuance of Final Judgment, are **STAYED** pending a Final Decision of the USPTO of the Reexamination and Appeal.

4. Defendant shall post a bond in an amount of \$700,000.00, to satisfy the prospective damages judgment. This bond shall be posted within fourteen (14) days from the date of this Order. Failure to post the bond as required herein, will result in the stay being lifted.


5. Defendant shall file a status report of the USPTO's Reexamination proceedings of United States Patent No. 5,672,279 (the '279 patent), every ninety days from the date of this Order until further ordered by the Court.

6. To the extent Defendant has stated it may later request a lift of the stay and issuance of a Final Judgment (Doc. 310, ¶ 10, p. 3-4), that matter will be addressed at the time Defendant so requests.

7. This case is **STAYED**. All pending motions are **DENIED without prejudice**, subject to reinstatement when the stay is lifted. (Doc. Nos. 212, 220, 278, and 304). The Clerk of the Court is directed to administratively close this file until further Order of the Court.

DONE and ORDERED in Chambers, Orlando, Florida this 15th day of February,

2012.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record