

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS A. SIMONIAN,

Plaintiff,

v.

MAYBELLINE LLC

Defendants.

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Civil Action No. 1:10-cv-01615

Judge Virginia M. Kendall

**DEFENDANT’S ALTERNATIVE MOTION TO STAY PENDING THE APPELLATE  
DECISION IN DISPOSITIVE CASES**

Defendant Maybelline LLC (“Maybelline”) hereby respectfully moves, in the alternative to its motion to dismiss, to stay this action pending resolution in the United States Court of Appeals for the Federal Circuit of *Stauffer v. Brooks Brothers Co.* and *Pequignot v. Solo Cup Co.* The reasons for stay and underlying legal authority are set forth more fully in Maybelline’s accompanying memorandum of law.

Dated: April 30, 2010

Respectfully Submitted,

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## CERTIFICATE OF SERVICE

I, Jeffrey M. Drake, hereby certify that on the April 30, 2010 the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the registered attorney(s) of record that the document is available for viewing and downloading from CM/ECF:

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