## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

## CIVIL CASE NO. 3:08cv291

IRWIN INDUSTRIAL TOOL COMPANY, d/b/a BernzOmatic and NEWELL OPERATING COMPANY,	) ) )
Plaintiffs,	) )
VS.	, ) ) <u>ORDER</u> )
WORTHINGTON CYLINDERS WISCONSIN, LLC, WORTHINGTON CYLINDER CORPORATION, and WORTHINGTON INDUSTRIES, INC.,	) ) ) )
Defendants.	/ ) )

THIS MATTER is before the Court on the parties' Joint Motion for

Order Vacating Permanent Injunction [Doc. 372].

For the reasons stated in the parties' motion, the Court will vacate the

permanent injunction previously entered in this case.

IT IS, THEREFORE, ORDERED that the parties' Joint Motion for

Order Vacating Permanent Injunction [Doc. 372] is **GRANTED**; the

October 1, 2010 Memorandum of Decision and Order [Doc. 334] and the

October 1, 2010 Amended Judgment [Doc. 336], insofar as and only to the

extent that each grants Irwin Industrial Tool Company d/b/a BernzOmatic's Motion for Entry of a Permanent Injunction [Doc. 299], are hereby **VACATED**; and the Permanent Injunction entered in this matter against Worthington Cylinders Wisconsin, LLC and Worthington Cylinders Corporation, and their respective officers, agents, servants, employees, affiliates, successors and assigns, and any and all persons acting in concert or participating with them, is hereby **VACATED**.

IT IS SO ORDERED.

Signed: July 5, 2011 Martin Reidinger United States District Judge