

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARLINGTON INDUSTRIES, INC,

Plaintiff,

v.

BRIDGEPORT FITTINGS, INC.,

Defendant.

CIVIL ACTION No. 3:06-CV-1105

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is Plaintiff Arlington Industries, Inc.'s "Motion for Summary Judgment Dismissing Defendant's Defense of Unenforceability" (Doc. 107). In the current motion, Plaintiff Arlington requests a judgment dismissing, with prejudice, Defendant Bridgeport Fittings Inc.'s affirmative defense of unenforceability of United States Patent Number 6,521,831 ("the '831 Patent") based on inequitable conduct. (Doc. 107, at 1.) The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 ("federal question").

In its May 8, 2009 Memorandum and Order (Doc. 328), the Court granted summary judgment in favor of Defendant Bridgeport Fittings on three motions for summary judgment (Docs. 110, 112, 113) concerning the '831 Patent. On June 2, 2009 Bridgeport filed a Notice (Doc. 332) voluntarily withdrawing, without prejudice, its "Motion for Summary Judgment of Effective Filing Date and Invalidity of U.S. Patent No. 6,521,831" (Doc. 111). Finally, on August 28, 2009, the Court denied Plaintiff Arlington's Motion for Reconsideration of the Court's May 8, 2009 Memorandum and Order granting summary judgment with respect to the '831 Patent. (Doc. 344.)

As no claims concerning the '831 Patent remain active in this litigation, the Court believes that Plaintiff Arlington's arguments in favor of a judgment dismissing Defendant

Bridgeport's affirmative defenses concerning the '831 Patent are moot and will deny the current motion.

Now, this 31st day of August 2009, it is **HEREBY ORDERED** that Plaintiff Arlington Industries, Inc.'s Motion for Summary Judgment Dismissing Defendant's Defense of Unenforceability (Doc. 107) is **DENIED** as moot. The Clerk of the Court is instructed to mark this case **CLOSED**.



A. Richard Caputo
United States District Judge