

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

KINEDYNE CORPORATION,)	
)	
Plaintiff,)	Case No. 08-00755-CV-W-DGK
)	
v.)	
)	
MULTIPRENS USA, INC.,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff’s Motion to lift the stay of the proceedings. Doc. 31. Defendant requested reexamination of the patents at issue in this case. In light of that request, the Court stayed this case pending reexamination on April 9, 2009. Doc. 26. The Patent and Trademark Office (“PTO”) confirmed both claims of Patent No. 5,853,164 on December 18, 2009, and confirmed all but one of the claims of Patent No. 5,979,876 on March 5, 2010. Plaintiff has now responded to the examiner’s assertion of prior art and claims that it is “virtually certain” that the PTO will ultimately confirm the remaining claim. The Court has no basis to evaluate this assertion. The Court stayed the proceedings pending reexamination and the parties agree that reexamination is ongoing. Since the reason for the stay still exists, lifting it is not appropriate at this time. But the Court is cognizant of Plaintiff’s desire to move the case forward and shares its interest in judicial economy. Plaintiff’s Motion is DENIED. The parties shall file a joint status report within 30 days and every 30 days thereafter informing the Court of the status of the remaining claim’s reexamination. Upon review of these reports, the Court will consider lifting the stay regardless of whether reexamination is complete.

IT IS SO ORDERED

Dated: July 12, 2010

/s/ Greg Kays
GREG KAYS
UNITED STATES DISTRICT JUDGE