

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ARLINGTON INDUSTRIES, INC.,**  
*Plaintiff-Cross Appellant,*

v.

**BRIDGEPORT FITTINGS, INC.,**  
*Defendant-Appellant.*

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2010-1377, -1400, -1408

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Appeals from the United States District Court for the Middle District of Pennsylvania in consolidated case nos. 01-CV-0485 and 05-CV-2622, Judge Christopher C. Conner.

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**ON MOTION**

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Before GAJARSA, MAYER, and PROST, *Circuit Judges.*  
GAJARSA, *Circuit Judge.*

**ORDER**

Bridgeport Fittings, Inc. moves for a stay, pending disposition of this appeal, of the permanent injunction entered by the United States District Court for the Middle

District of Pennsylvania. Arlington Industries, Inc. opposes. Bridgeport replies.

To obtain a stay, pending appeal, a movant must establish a strong likelihood of success on the merits or, failing that, nonetheless demonstrate a substantial case on the merits provided that the harm factors militate in its favor. *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987). In deciding whether to grant a stay, pending appeal, this court "assesses the movant's chances of success on the merits and weighs the equities as they affect the parties and the public." *E. I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277, 278 (Fed. Cir. 1987). See also *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511 (Fed. Cir. 1990).

Based on the arguments in the motions papers, and without prejudicing the ultimate disposition of this case by a merits panel, we determine that Bridgeport has not met its burden to obtain a stay of the injunction.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

JUN 23 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Kathryn L. Clune, Esq.  
Deanne E. Maynard, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

JUN 23 2011

**JAN HORBALY**  
**CLERK**