

NOTE: This order is nonprecedential.

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

1ST MEDIA, LLC,
Plaintiff-Appellant,

v.

**ELECTRONIC ARTS, INC.
HARMONIX MUSIC SYSTEM, INC. AND VIACOM,
INC.,**
Defendants-Appellees,

AND

**SONY COMPUTER ENTERTAINMENT AMERICA,
INC.,**
Defendant-Appellee.

2010-1435

Appeal from the United States District Court for the
District of Nevada in case no. 07-CV-1589, Judge James C.
Mahan.

ON MOTION

Before SCHALL, *Circuit Judge.*

O R D E R

1st Media, LLC moves without opposition to stay proceedings in this appeal pending this court's en banc disposition in *Therasense v. Becton, Dickinson & Co.*, 2008-1511.

1st Media asserts that this case and *Therasense* involve the same issue, specifically what standards govern in inequitable conduct cases.

We note that oral argument in *Therasense* is currently set for November 9, 2010.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to stay is granted. 1st Media is directed to inform the court within 30 days of the disposition of *Therasense* how it believes this appeal should proceed. The appellees may also respond within that time.

(2) A copy of this order shall be transmitted to the en banc court to inform it of this related appeal.

FOR THE COURT

OCT 28 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Robert P. Greenspoon, Esq.
Richard F. Ziegler, Esq.
B. Trent Webb, Esq.

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

OCT 28 2010

**JAN HORBALY
CLERK**