

NOTE: This order is nonprecedential.

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

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**MARINE POLYMER TECHNOLOGIES, INC.,**  
*Plaintiff-Appellee,*

v.

**HEMCON, INC.,**  
*Defendant-Appellant.*

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2010-1548

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Appeal from the United States District Court for the  
District of New Hampshire in case no. 06-CV-0100, Judge  
Joseph A. DiClerico, Jr.

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**ON MOTION**

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Before GAJARSA, SCHALL, and MOORE, *Circuit Judges.*  
SCHALL, *Circuit Judge.*

**ORDER**

HemCon, Inc. moves for a stay, pending disposition of  
this appeal, of the permanent injunction entered by the  
United States District Court for the District of New  
Hampshire. Marine Polymer Technologies, Inc. opposes.

HemCon replies. HemCon, Inc. also moves for a stay, pending disposition of this appeal, of the final judgment, including the execution of the damages award, issued by the United States District Court for the District of New Hampshire. Marine Polymer Technologies, Inc. opposes. HemCon, Inc. 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. *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511, 513 (Fed. Cir. 1990) (citing *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.*, 897 F.2d at 513.

Based on the arguments in the motions papers, and without prejudicing the ultimate disposition of this case by a merits panel, we determine that HemCon, Inc. has met its burden to obtain a stay of the permanent injunction and the final judgment.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are granted.

FOR THE COURT

NOV 18 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Raymond A. Kurz, Esq.  
Brian Poissant, Esq.

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

NOV 18 2010

JAN HORBALY  
CLERK