

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

HEAR-WEAR TECHNOLOGIES, LLC,)

Plaintiff,)

v.)

Case No. 07-CV-0212-CVE-FHM

OTICON, INC.; AMERICAN HEARING)

SYSTEMS, INC., D/B/A INTERTON-USA;)

INTERTON, INC.; INTERTON)

HORGORATE GMBH; GN HEARING)

CARE CORPORATION; AND GN STORE)

NORD A/S,)

Defendants.)

ORDER

Before the Court is plaintiff’s motion to lift stay (Dkt. # 250) and brief in support. On July 22, 2008, the Court issued a stay in these proceedings pending the reexamination of four patents by the United States Patent and Trademark Office (USPTO). Dkt. # 195. Plaintiff has previously moved to lift the stay, see Dkt. ## 217, 242, but each such motion was denied because the proceedings before the USPTO were not complete. Dkt. ## 223, 249. Plaintiff moves once again to lift the stay, asserting that the proceedings before the USPTO, as well as all related appeals, have been completed. Dkt. # 250, at 1. As a result of the reexamination of the patents, fifty-five of the seventy-two total claims were either cancelled or amended. Dkt. # 250, at 3; see also Dkt. # 252, at 1. Plaintiff states that, following the reexamination of the patents, it will not assert infringement as to two of the four patents. Dkt. # 250, at 3-4. Thus, only two patents remain at issue. Id. at 4.

Defendants Oticon, Inc. and GN Store Nord A/S and its affiliates oppose plaintiff’s motion. Dkt. # 252. They argue that the stay should be left in place for at least thirty more days because they are contemplating filing a reexamination request for one of the two remaining patents. Id. at 2. If

such a request is filed, defendants ask that the stay remain in place until the USPTO resolves that request. Id. In the event that the Court lifts the stay, defendants request plaintiff be ordered to serve final and binding infringement contentions, with full explanatory claim charts, within thirty days of the lifting of the stay. Id. According to defendants, plaintiff had previously represented in its December 16, 2007 discovery responses that it was prepared to produce such contentions, with charts. Id.

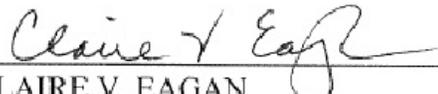
The Court finds that the proceedings before the USPTO, for which the Court stayed the proceedings in this case, have been completed. See Dkt. # 195, at 1. Defendants have had ample time to request further reexamination of the patents at issue, and the Court will not continue to delay this case to allow for further reexaminations. Thus, the Court finds that the stay imposed on July 22, 2008 should be lifted. In order to allow defendants to prepare their defenses, plaintiff will be required to produce the final and binding claims infringement contentions, with full explanatory claim charts, that it has previously represented its willingness to provide.

IT IS THEREFORE ORDERED that plaintiff's motion to lift stay (Dkt. # 250) is hereby **granted**. The stay entered on July 22, 2008 (Dkt. # 195) is **lifted** and this case is **reopened**. Plaintiff may proceed with its remaining claims against defendants.

IT IS FURTHER ORDERED that plaintiff will produce final and binding claims infringement contentions, with full explanatory claim charts, no later than **June 22, 2015**.

IT IS FURTHER ORDERED that the parties shall submit a joint proposed scheduling order no later than **June 29, 2015**.

DATED this 11th day of May, 2015.



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE