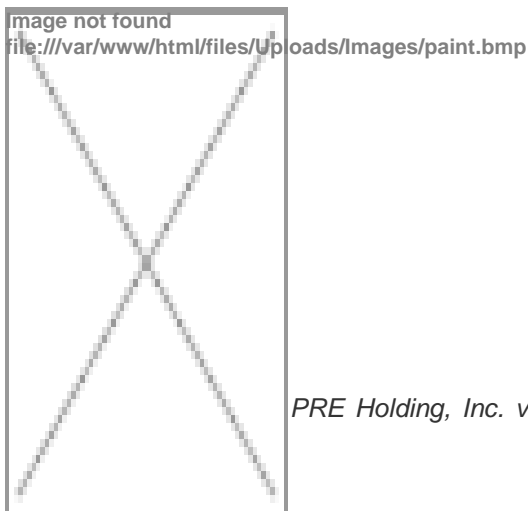




PRE Holding v. Monaghan - Dismissed Without Prejudice After Reexamination Granted

02.01.2010



PRE Holding, Inc. v. Monaghan Medical Corporation was dismissed without prejudice

pursuant to a [Stipulated Order](#) entered on January 27, 2010, in the Richmond Division of the Eastern District of Virginia. The lawsuit had been pending in the EDVA since July 21, 2009, when PRE Holding asserted that the Defendants infringed [U.S. Patent No. 7,562,656](#), which is directed toward an aerosol medication inhalation system to aid in the delivery of aerosolized medicaments to patients. Monaghan subsequently requested an *Inter Partes* Reexamination of the '656 patent, and the USPTO granted the request on January 20, 2010, and entered a First Office Action rejecting all of the asserted claims as unpatentable.

Defendant Trudell Medical International agreed to be bound by the USPTO's disposition of the Reexamination Proceeding to the same extent that Monaghan is bound. Defendants also agree to discontinue selling the accused products in the United States before the presently scheduled trial date of July 12, 2010.

The Court also ordered that the six year statute of limitations for obtaining damages in the case was tolled from the date the suit was filed through the date on which a final ruling is entered in the Reexamination Proceeding, and that damages would not be limited during that tolling period.