

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Field Logic Archery, LLC
and Field Logic, Inc.,

Civil 06-1724 JMR/FLN

Plaintiffs,

v.

REPORT & RECOMMENDATION

G5 Outdoors, LLC,

Defendant.

The above referenced case was filed on May 9, 2006. After it had been pending for over a year, the parties stipulated to a stay pending the resolution of a "Reissue Application," that had been filed with the United States Patent and Trademark Office (USPTO) in June of 2007. It now appears that the USPTO did nothing with the Reissue Application for nearly a year and half. It did not substantively address the application in any way until October, 2008. Following a case management conference, the parties filed a "Joint Statement Regarding Status of Case" on April 8, 2009, one month shy of three years since the case was filed. In that status report the parties state that the USPTO has notified the parties that it intends to review the Plaintiff's responses to the USPTO's office action within the next sixty days. After that, the parties report, Plaintiff should know the likely time-line for completing the review of the reissue application.

As the case has been pending for nearly three years in this Court, and as there is no clear end in sight for the administrative process begun in the USPTO nearly two years ago, it is recommended that the instant case be dismissed without prejudice while the parties complete their administrative proceedings before the USPTO. If at the end of that process there are still issues to litigate, Plaintiff is free to file the lawsuit anew.

Based upon all of the foregoing, and all of the files records and proceedings herein, IT IS
HEREBY RECOMMENDED that this case be dismissed without prejudice.

DATED: April 20, 2009.

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **May 7, 2009**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.