

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1560, -1563, -1591

AVENTIS PHARMA S.A.
and AVENTIS PHARMACEUTICALS INC.,

Plaintiffs-Appellants,

v.

SANDOZ, INC.,

Defendant-Appellee.

Appeals from the United States District Court for the Central District of California in consolidated cases nos. 06-CV-4858 and 07-CV-2558 and case No. 07-CV-3658, Senior Judge Mariana R. Pfaelzer.

ON MOTION

Before PROST, Circuit Judge.

ORDER

Sandoz, Inc. moves to summarily affirm the judgment of the United States District Court for the Central District of California and award sanctions. Aventis Pharma S.A. and Aventis Pharmaceuticals Inc. oppose. Sandoz replies.

We deem the better course is to deny the motions without prejudice to the parties addressing the issues in their briefs.

Accordingly,

IT IS ORDERED THAT:

(1) Sandoz's motion to dismiss is denied without prejudice to the parties addressing the issues in their briefs.

(2) Sandoz's motion for sanctions is denied without prejudice to Sandoz later requesting sanctions pursuant to Fed. R. App. P. 38 if appropriate.

FOR THE COURT

FEB 2 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

cc: Donald R. Dunner, Esq.
Meredith Martin Addy, Esq.

FEB 02 2009

JAN HORBALY
CLERK

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