

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-1085

INNOVATIVE THERAPIES, INC.,

Plaintiff-Appellant,

v.

KINETIC CONCEPTS, INC.,  
KCI LICENSING, INC., and KCI USA, INC.,

Defendants-Appellees.

Appeal from the United States District Court for the District of Delaware  
in case no. 07-CV-589, Judge Sue L. Robinson.

ON MOTION

Before NEWMAN, Circuit Judge.

### ORDER

Innovative Therapies, Inc. move to take judicial notice of documents filed in two other district court proceedings. Kinetic Concepts, Inc. et al. oppose. Innovative Therapies replies.

Judicial notice may be appropriate with respect to public documents. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

The motion to take judicial notice is granted. A copy of this order shall be transmitted to the merits panel assigned to hear this case, to inform the panel regarding the documents.

FOR THE COURT

**MAY 29 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Jonathan G. Graves, Esq.  
Donald R. Dunner, Esq.

**MAY 29 2009**

**JAN HORBALY  
CLERK**

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