

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

APOTEX INC.,
Plaintiff-Appellant,

v.

EISAI, INC. AND EISAI CO., LTD.,
Defendants-Appellees.

2010-1559

Appeal from the United States District Court for the
Middle District of North Carolina in case no. 09-CV-0477,
Chief Judge James A. Beaty, Jr.

ON MOTION

O R D E R

Upon consideration of Apotex, Inc.'s motion to voluntarily withdraw its appeal,

IT IS ORDERED THAT:

(1) The motion is granted. The appeal is dismissed.

- (2) Each side shall bear its own costs.
- (3) All other pending motions are denied as moot.

FOR THE COURT

DEC 13 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Robert B. Breisblatt, Esq.
Bruce M. Wexler, Esq.

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Issued As A Mandate: DEC 13 2010

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

DEC 13 2010

JAN HORBALY
CLERK