

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

Miscellaneous Docket No. 918

IN RE BAYER HEALTHCARE LLC and CSL BEHRING L.L.C.,

Petitioners.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in case no. 08-CV-0068, Judge T. John Ward.

## ON PETITION FOR WRIT OF MANDAMUS

Before RADER, Circuit Judge.

### ORDER

Bayer HealthCare LLC and CSL Behring L.L.C. (Bayer) submit a petition for a writ of mandamus to direct the United States District Court for the Eastern District of Texas to vacate its September 28, 2009 order denying Bayer's motion to transfer venue, and to direct the Texas district court to transfer the case to the United States District Court for the Northern District of California.

Upon consideration thereof,

IT IS ORDERED THAT:

Novartis Vaccines and Diagnostics, Inc. et al. are directed to respond no later than November 17, 2009.

FOR THE COURT

**OCT 29 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Peter B. Bensinger, Jr., Esq.  
Robert R. Baron, Jr., Esq.  
John C. Kappos, Esq.  
Clerk, United States District Court for the Eastern District of Texas

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

**OCT 29 2009**

JAN HORBALY  
CLERK