

NOTE: This order is nonprecedential.

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

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**IN RE SMITH & NEPHEW, INC.,**  
*Petitioner.*

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Miscellaneous Docket No. 940

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On Petition for Writ of Mandamus to the United States  
District Court for the Eastern District of Texas in case no.  
09-CV-0378, Judge T. John Ward.

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**ON PETITION FOR WRIT OF MANDAMUS**

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**O R D E R**

Smith & Nephew, Inc. submit a letter indicating that the United States District Court for the Eastern District of Texas transferred the underlying case on July 6, 2010 and suggesting that their petition for a writ of mandamus is thus moot.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition for a writ of mandamus is dismissed as moot.

(2) Each side shall bear its own costs.

FOR THE COURT

JUL 12 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Gregory N. Stillman, Esq.  
Joseph M. Vanek, 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

JUL 12 2010

JAN HORBALY  
CLERK