

NOTE: This order is nonprecedential.

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

**IN RE WYETH AND
WYETH PHARMACEUTICALS INC.,**
Petitioners.

Miscellaneous Docket No. 959

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in case no. 08-CV-0067, Judge T. John Ward.

ON PETITION FOR WRIT OF MANDAMUS

O R D E R

Wyeth et al. (Wyeth) submit a petition for a writ of mandamus to direct the United States District Court for the Eastern District of Texas to vacate its orders denying Wyeth's motions to transfer and to direct transfer to the United States District Court for the Northern District of California.

Upon consideration thereof,

IT IS ORDERED THAT:

Novartis Vaccines and Diagnostics, Inc. is directed to respond no later than September 28, 2010.

FOR THE COURT

SEP 15 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: George A. Riley, Esq.
Bradford J. Badke, 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

SEP 15 2010

JAN HORBALY
CLERK