

NOTE: This order is nonprecedential.

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

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**ABBOTT LABORATORIES,  
ABBOTT BIORESEARCH CENTER, INC.,  
AND ABBOTT BIOTECHNOLOGY LTD.,**  
*Plaintiffs-Appellees,*

v.

**BAYER HEALTHCARE LLC,**  
*Defendant-Appellant.*

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2011-1205

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Appeal from the United States District Court for the  
District of Massachusetts in consolidated case nos. 09-CV-  
40002 and 09-CV-40061, Judge F. Dennis Saylor, IV.

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**BAYER HEALTHCARE LLC,**  
*Plaintiff-Appellant,*

v.

**CENTOCOR ORTHO BIOTECH, INC,**  
*Defendant-Appellee.*

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2011-1207

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Appeal from the United States District Court for the District of Massachusetts in case no. 09-CV-11362, Judge F. Dennis Saylor, IV.

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ON MOTION

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ORDER

Bayer Healthcare LLC (Bayer) moves to consolidate 2011-1205 with 2011-1207. Appellees Abbott Bioresearch Center, Inc. et al. and Centocor Ortho Biotech, Inc. both oppose and suggest that the appeals be treated as companion cases. Bayer moves for extensions of time to file its briefs.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motions for extensions of time are granted. If the appellant's briefs have not already been filed in the above-captioned cases, they are each due within 21 days of the date of filing of this order.

(2) The motion to consolidate is denied.

(3) The above-captioned appeals will be treated as companion cases, i.e., the cases will be briefed separately and submitted to the same merits panel.

(4) A copy of this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

MAY 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

MAY 17 2011

JAN HORBALY  
CLERK

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ABBOTT LABS v. BAYER HEALTH

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