

NOTE: This order is nonprecedential.

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

**BAXTER HEALTHCARE CORPORATION,
BAXTER HEALTHCARE SA, AND
BAXTER INTERNATIONAL, INC.,**
Plaintiffs-Appellants,

AND

DEKA PRODUCTS LIMITED PARTNERSHIP,
Plaintiff-Appellant,

v.

**FRESENIUS MEDICAL CARE HOLDINGS, INC.,
FRESENIUS MEDICAL CARE NORTH AMERICA,
AND FRESENIUS USA, INC.,**
Defendants-Appellees.

2011-1268

Appeal from the United States District Court for the
Northern District of California in case no. 07-CV-1359,
Judge Phyllis J. Hamilton.

**BAXTER HEALTHCARE CORPORATION,
BAXTER HEALTHCARE SA, AND
BAXTER INTERNATIONAL, INC.,**

Plaintiffs-Appellees,

AND

DEKA PRODUCTS LIMITED PARTNERSHIP,

Plaintiff-Appellee,

v.

FRESENIUS MEDICAL CARE HOLDINGS, INC.,

FRESENIUS MEDICAL CARE NORTH AMERICA,

AND FRESENIUS USA, INC.,

Defendants-Appellants.

2011-1302

Appeal from the United States District Court for the Northern District of California in case no. 07-CV-1359, Judge Phyllis J. Hamilton.

ON MOTION

O R D E R

Fresenius Medical Care Holdings, Inc., Fresenius Medical Care North America, and Fresenius USA, Inc., move without opposition to withdraw their cross-appeal no. 2011-1302.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to withdraw 2011-1302 is granted. The appeal is dismissed.

(2) Each side shall bear its own costs in 2011-1302.

(3) The revised official caption for 2011-1268 is reflected above.

FOR THE COURT

SEP 22 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: David K. Callahan, Esq.
Maureen K. Toohy, Esq.
Juanita R. Brooks, Esq.

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Issued As A Mandate (As To 2011-1302 Only): SEP 22 2011

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

SEP 22 2011

JAN HORBALY
CLERK