

NOTE: This order is nonprecedential.

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

MERIAL LIMITED AND MERIAL SAS,
Plaintiffs-Appellees,

AND

BASF AGRO B.V.,
Plaintiff,

v.

CIPLA LIMITED,
Defendant-Appellant,

AND

VELCERA, INC. AND FIDOPHARM, INC.,
Defendants-Appellants,

AND

**ARCHIPELAGO SUPPLIERS, ARROWTARGET
ENTERPRISES LTD., GENERIC PETMEDS,
INHOUSE DRUGSTORE, LISA PERKO, PETCARE
PHARMACY, AND PETMEDS R US,**
Defendants.

2011-1471, -1472

Appeals from the United States District Court for the
Middle District of Georgia in case no. 07-CV-0125, Judge
Clay D. Land.

ON MOTION

Before LOURIE, *Circuit Judge*.

O R D E R

The appellants move to take judicial notice of two documents from reexamination proceeding and portions of a third document from that proceeding. Merial Limited and Merial SAS (Merial) oppose.

The appellants assert that the documents are "relevant to issues of claim construction and infringement." Merial argues that the appellants did not make claim construction arguments below and that the appellants successfully opposed introduction of one of the documents in the district court.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

SEP 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Nagendra Setty, Esq.
Jonathan G. Graves, Esq.
Gregory A. Castanias, Esq.

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

SEP 01 2011

**JAN HORBALY
CLERK**