

NOTE: This order is nonprecedential.

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

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Plaintiff-Appellee,

v.

GENENTECH, INC.,
Defendant-Appellant,

AND

BIOGEN IDEC INC.,
Defendant.

2012-1454

Appeal from the United States District Court for the
Northern District of California in consolidated case nos.
08-CV-4909 and 09-CV-4919, Judge Susan Illston.

ON MOTION

Before O'MALLEY, *Circuit Judge.*

O R D E R

Sanofi-Aventis Deutschland GmbH and Genentech, Inc.
both move for the court to take judicial notice of documents

relating to an ongoing proceeding before an arbitrator of the International Chamber of Commerce that post-date the United States District Court for the Northern District of California's denial of Genentech's motion for a permanent injunction. Sanofi-Aventis Deutschland GmbH and Genentech, Inc. also both oppose the other's motions.

Rule 10 of the Federal Rules of Appellate Procedure provides that the record on review is generally limited to the original papers and exhibits filed in the district court. Judicial notice is proper only with respect to facts that are not subject to reasonable dispute in that they are either generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201. The Rules of Evidence authorize judicial notice of certain documents outside of the record and the court is persuaded that such action is warranted here.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are granted.

FOR THE COURT

SEP 05 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: William E. Solander, Esq.
Charles K. Verhoeven, Esq.

s26

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

SEP 05 2012

JAN HORBALY
CLERK