

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

ABBOTT LABORATORIES et al.,

Plaintiffs and Appellants,

v.

FRANCHISE TAX BOARD,

Defendant and Respondent.

B204210

(Los Angeles County
Super. Ct. No. BC369808)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on July 21, 2009, be modified as follows:

1. On page 3, in the third paragraph, the second sentence is modified as follows:

“Part of the income of TAP was subject to taxes imposed under section 23101 et seq., and part was not.”

There is no change in the judgment.