

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-1144

CENTOCOR ORTHO BIOTECH, INC. and  
NEW YORK UNIVERSITY,

Plaintiffs-Appellees,

v.

ABBOTT LABORATORIES, ABBOTT BIORESEARCH CENTER, INC.,  
and ABBOTT BIOTECHNOLOGY LTD.,

Defendants-Appellants.

Appeal from the United States District Court for the Eastern District of Texas in case no.  
07-CV-0139, Judge T. John Ward.

ON MOTION

Before BRYSON, Circuit Judge.

## ORDER

Eli Lilly and Company moves for leave to file a brief amicus curiae. Centocor Ortho Biotech, Inc. and New York University oppose or in the alternative move to strike portions of the amicus brief. Eli Lilly replies. Oskar Liivak moves for leave to file a brief amicus curiae, out of time.

The appellees may raise, in their brief, any objections to matters raised by Eli Lilly's brief amicus curiae, if appropriate. Fed. Cir. R. 27(e) (a motion to strike is "prohibited as long as the party seeking to strike has the right to file a responsive brief in which the objection could be made").

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Eli Lilly's and Liivak's motions are granted.
- (2) The motion to strike is denied without prejudice to the appellees raising their objections in their brief.

FOR THE COURT

APR 02 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Dianne B. Elderkin, Esq.  
William F. Lee, Esq.  
Mark J. Stewart, Esq.  
Oskar Liivak, Esq.

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

APR 02 2010

JAN HORBALY  
CLERK