

NOTE: This order is nonprecedential.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 SCHALL, *Circuit Judge.*

**O R D E R**

SANOFI-AVENTIS DEUTSCHLAND V. GENENTECH, INC.

2

Sanofi-Aventis Deutschland GmbH moves for the court to take judicial notice of an arbitral award document entitled “Third Partial Award of the Principle of Liability” dated September 5, 2012, and moves to dismiss this appeal. Genentech, Inc. does not oppose the motion for judicial notice, but opposes the motion to dismiss.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motions are deferred for consideration by the merits panel assigned to hear the case.

(2) Copies of the motions papers shall be transmitted to the merits panel along with a copy of this order.

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

s23