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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

<p>ALLERGAN, INC., a Delaware Corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MERZ PHARMACEUTICALS, LLC, a North Carolina corporation, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. SACV11-446 AG (Ex)</p> <p>Assigned for all purposes to Honorable Andrew J. Guilford</p> <p>ORDER FOR DISMISSAL WITHOUT PREJUDICE</p>
<p>MERZ PHARMACEUTICALS, LLC, a North Carolina limited liability company, MERZ AESTHETICS, INC., a Delaware corporation,</p> <p style="text-align: center;">Counterclaimants,</p> <p style="text-align: center;">v.</p> <p>ALLERGAN, INC., a Delaware corporation,</p> <p style="text-align: center;">Counterdefendant.</p>	

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ORDER

Upon the parties' Joint Stipulation for Dismissal without Prejudice, and pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c), IT IS HEREBY ORDERED that the following claims be dismissed without prejudice:

- (a) The fifth cause of action asserted in Allergan, Inc.'s Third Amended Complaint, for violation of Lanham Act § 43(a);
- (b) The portion of the fourth cause of action asserted in Allergan, Inc.'s Third Amended Complaint, for interference with prospective economic advantage based on the advertisement of Xeomin; and
- (c) All three causes of action asserted in Merz Pharmaceuticals, LLC's and Merz Aesthetics, Inc.'s Second Amended Counterclaim.

SO ORDERED.



Dated: October 10, 2012

Hon. Andrew J. Guilford
United States District Judge