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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNIVERSITY OF PITTSBURGH OF THE
11 COMMONWEALTH SYSTEM OF HIGHER
12 EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH, a Pennsylvania non-profit
corporation (educational),

13 Plaintiff,

14 v.

15 VARIAN MEDICAL SYSTEMS, INC., a
16 Delaware corporation,

17 Defendants
18 _____/

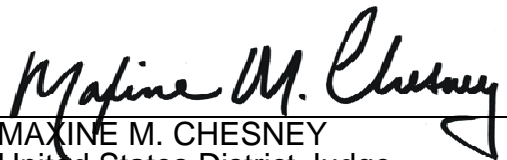
No. C-08-2973 MMC

**ORDER VACATING SEPTEMBER 5,
2008 HEARING**

19 Before the Court are two motions filed by defendant Varian Medical Systems, Inc.:
20 (1) Motion to Transfer Action to Western District of Pennsylvania, filed June 27, 2008, and
21 (2) Motion to Dismiss Plaintiff's Claims Pursuant to Fed. R. Civ. P. 12(b)(6) Based on
22 Doctrine of Res Judicata, filed July 25, 2008. Plaintiff has filed oppositions to both motions,
23 to which defendant has replied. Having read and considered the papers filed in support of
24 and in opposition to the motions, the Court deems the matters suitable for decision thereon,
25 and VACATES the hearing scheduled for September 5, 2008

26 **IT IS SO ORDERED.**

27 Dated: September 4, 2008
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MAXINE M. CHESNEY
United States District Judge