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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GENENTECH, INC. and
ROCHE PALO ALTO, LLC,

Plaintiffs and Counterclaim Defendants,

v.

SANDOZ, INC.

Defendant and Counterclaim Plaintiff.

Case No. 3:11-cv-01925-JSW (LB)
Related Case No. 3:11-cv-02410-JSW

**[PROPOSED] ORDER VACATING CLAIM
CONSTRUCTION ORDER**

Ctrm: 11, 19th Floor
Judge: Honorable Jeffrey S. White

1 Pursuant to a stipulation entered into between Plaintiffs Genentech, Inc. and Roche Palo Alto
2 LLC (collectively "Plaintiffs") and Defendant Sandoz Inc. ("Defendant") and for good cause shown
3 under the equitable factors identified in *Ringsby Truck Lines, Inc. v. Western Conference of Teamsters*,
4 686 F.2d 720 (9th Cir. 1982), including "the consequences and attendant hardships of dismissal or
5 refusal to dismiss' and 'the competing values of finality of judgment and right to relitigation of
6 unreviewed disputes,'" *id.* at 722, it is hereby

7 ORDERED, that good cause exists for vacatur of the Claim Construction Order (ECF No. 86) in
8 light of the *Ringsby* factors; it is further

9 ORDERED, that the Claim Construction Order (ECF No. 86) in this action is hereby VACATED;
10 and it is further

11 ORDERED, that all future dates entered in this action are hereby vacated.

January 2014.

12 **DONE and ORDERED** in Chambers this 3rd day of ~~December~~ 2013.

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15 HON. JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE
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