

United States District Court
For the Northern District of California

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

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

No. C-08-2973 MMC

**ORDER VACATING SEPTEMBER 5,
2008 HEARING**

Plaintiff,

v.

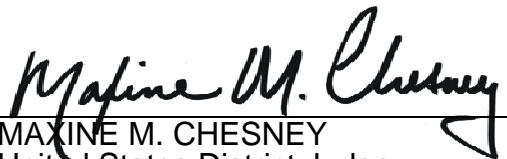
VARIAN MEDICAL SYSTEMS, INC., a
Delaware corporation,

Defendants

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

IT IS SO ORDERED.

Dated: September 4, 2008


MAXINE M. CHESNEY
United States District Judge