

FILED

UNITED STATES COURT OF APPEALS

JUL 31 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

SMITHKLINE BEECHAM  
CORPORATION, DBA GlaxoSmithKline,

Plaintiff - Appellee,

v.

ABBOTT LABORATORIES,

Defendant - Appellant.

No. 11-17357

D.C. No. 4:07-cv-05702-CW  
Northern District of California,  
Oakland

ORDER

SMITHKLINE BEECHAM  
CORPORATION, DBA GlaxoSmithKline,

Plaintiff - Appellant,

v.

ABBOTT LABORATORIES,

Defendant - Appellee.

No. 11-17373

D.C. No. 4:07-cv-05702-CW  
Northern District of California,  
Oakland

Before: SCHROEDER, REINHARDT, and BERZON, Circuit Judges.

The parties are directed to file supplemental briefs of no longer than fifteen pages (15) pages addressing the effect, if any, of *United States v. Windsor*, 133 S. Ct. 2765 (2013), on whether *Batson v. Kentucky*, 476 U.S. 79 (1986), applies to the sexual orientation of jurors and, if so, what level of scrutiny shall be applied in this

case. The briefs shall be filed with the Clerk of the Court within fourteen (14) days from the date of this order. No extension of time will be granted.

Oral argument shall be heard at 10 A.M., Wednesday, September 18 at the James R. Browning Courthouse located at 95 7th Street in San Francisco.