

**FILED**

UNITED STATES COURT OF APPEALS

MAR 27 2014

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

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

*A sua sponte* en banc call having been made, the parties are instructed to file within 21 days of the filing date of this order simultaneous briefs setting forth their respective positions on whether the case should be reheard en banc. *See* G.O.

5.4c(3). An original and fifty copies shall be filed. *See* Ninth Cir. R. 35-4(b).