

FEB 27 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARGARITA GAETA, as guardian ad
litem for A.G., a minor child and
AUGUSTINE GAETA,

Plaintiffs - Appellants,

v.

PERRIGO PHARMACEUTICALS
COMPANY and BASF CORPORATION,

Defendants - Appellees.

No. 09-15001

D.C. No. 5:05-cv-04115-JW
Northern District of California,
San Jose

ORDER

On Remand From The United States Supreme Court

Before: FERNANDEZ and SILVERMAN, Circuit Judges.

The Supreme Court having vacated our prior opinion for further consideration in light of *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011), *see L. Perrigo Co. v. Gaeta*, 132 S. Ct. 497 (2011), we now AFFIRM the district court's grant of summary judgment in favor of Perrigo Pharmaceuticals Company.