

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

ALEXIS DEGELMANN and JOSEPH  
LIN, on behalf of themselves and  
all those similarly situated,  
*Plaintiffs-Appellants,*

v.

ADVANCED MEDICAL OPTICS INC., a  
Delaware corporation,  
*Defendant-Appellee.*

No. 10-15222  
D.C. No.  
4:07-cv-03107-PJH  
Northern District of  
California,  
Oakland  
ORDER

Appeal from the United States District Court  
for the Northern District of California  
Phyllis J. Hamilton, District Judge, Presiding

Argued and Submitted  
April 11, 2011—San Francisco, California

Filed October 30, 2012

Before: John T. Noonan and N. Randy Smith,  
Circuit Judges, and Raner C. Collins, District Judge.\*

---

**COUNSEL**

Jahan C. Sagafi, San Francisco, California, for the plaintiffs-appellants.

Ben D. Whitwell, San Francisco, California, for the defendant-appellee.

---

\*The Honorable Raner C. Collins, District Judge for the U.S. District Court for Arizona, sitting by designation.

**ORDER**

Pursuant to Fed. R. App. P. 42(b), this appeal is hereby **DISMISSED**. Each party shall pay its own costs and fees of this appeal. A certified copy of this order served on the district court shall constitute the mandate. The prior panel opinion is **VACATED**.



---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY THOMSON REUTERS—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2012 Thomson Reuters.