

FILED

UNITED STATES COURT OF APPEALS

DEC 18 2008

FOR THE NINTH CIRCUIT

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

JOHN DOE 1; et al.,

Plaintiffs - Respondents,

v.

ABBOTT LABORATORIES,

Defendant - Petitioner.

No. 08-80150

D.C. No. 4:04-cv-01511-CW
Northern District of California,
Oakland

ORDER

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

Petitioner Abbott Laboratories' motion for leave to exceed the page limitation for its petition for permission to appeal is granted. The petition has been filed.

The motion of "related case plaintiffs" to appear as amici curiae and to file a 27- page brief is granted. Petitioner Abbott Laboratories' motion for permission to file a brief in response to the amicus brief is granted. The Clerk shall file the briefs.

The petition for permission to appeal pursuant to 28 U.S.C. § 1292(b) is granted. Within 10 days of this order, petitioner shall perfect the appeal pursuant to Federal Rule of Appellate Procedure 5(d).