

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CADENCE PHARMACEUTICALS,
INC., SCR PHARMATOP &
MALLINCKRODT IP,

Plaintiffs,

v.

FRESENIUS KABI USA LLC.,

Defendant.

CASE NO. 13-CV-00139 DMS (MDD)

ORDER OF VACATUR

(Doc. No. 329)

AND RELATED COUNTERCLAIMS

1 Pursuant to Rule 60(b) of the FEDERAL RULES OF CIVIL PROCEDURE and the
2 joint motion of Plaintiffs, Cadence Pharmaceuticals, Inc., SCR Pharmatop and
3 Mallinckrodt IP, and Defendant Fresenius Kabi USA, LLC (collectively, “the
4 Parties”), it is hereby ORDERED that all prior orders issued by this Court other
5 than its Claim Construction Order dated December 2, 2013 (Dkt. No. 140) are
6 vacated. All such vacated orders shall be of no force or effect for use against the
7 Parties, their successors and permitted assigns, or by Third Parties, or for collateral
8 estoppel or other preclusive purposes.

9 **IT IS SO ORDERED.**

10
11 Dated: August 8, 2014


12 HON. DANA M. SABRAW
13 U.S. DISTRICT COURT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28