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18 Attorneys for Defendant CITY OF HOPE

19 UNITED STATES DISTRICT COURT
 20 CENTRAL DISTRICT OF CALIFORNIA
 21 WESTERN DIVISION

22 MEDIMMUNE, INC.,
 23 Plaintiff,
 24 v.
 25 GENENTECH, INC., et al.,
 26 Defendants.
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Case No. CV03-2567 MRP (CTx)
**STIPULATION AND ORDER OF
 DISMISSAL**

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IT IS HEREBY STIPULATED, by and between Plaintiff MedImmune, Inc. and Defendants Genentech, Inc. and City of Hope, through their respective counsel of record, that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the claims in this action are dismissed with prejudice as they relate to the product identified in the First Amended Complaint as Synagis. To the extent that any claims in the First Amended Complaint relate to any other product, they are dismissed without prejudice. Each party shall bear its own legal expenses, including without limitation, attorneys' fees and costs.

Dated: June 3, 2008

KEKER & VAN NEST

By: /s/ Daralyn J. Durie
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Attorneys For Defendant
GENENTECH, INC.

Dated: June 3, 2008

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Dated: June 3, 2008

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ORDER

Based on the foregoing stipulation of the parties, it is hereby ORDERED as follows:

1. Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the claims in this action are dismissed with prejudice as they relate to the product identified in the First Amended Complaint as Synagis. To the extent that any claims in the First Amended Complaint relate to any other product, they are dismissed without prejudice.

2. Each party shall bear its own legal expenses, including without limitation, attorneys' fees and costs.

IT IS SO ORDERED.

Dated: June 04, 2008


HONORABLE MARIANA R. PFAELZER
United States District Judge