

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**BAXTER HEALTHCARE CORPORATION,
BAXTER HEALTHCARE SA, AND
BAXTER INTERNATIONAL, INC.,**
Plaintiffs-Appellants,

AND

DEKA PRODUCTS LIMITED PARTNERSHIP,
Plaintiff-Appellant,

v.

**FRESENIUS MEDICAL CARE HOLDINGS, INC.,
FRESENIUS MEDICAL CARE NORTH AMERICA,
AND FRESENIUS USA, INC.,**
Defendants-Appellees.

2011-1268

Appeal from the United States District Court for the
Northern District of California in No. 07-CV-1359, Judge
Phyllis J. Hamilton.

JUDGMENT

DAVID K. CALLAHAN, Kirkland & Ellis, LLP, of Chicago, Illinois, argued for plaintiffs-appellants Baxter Healthcare Corporation et al. With him on the brief were JESSICA C. KAISER, MICHAEL I. COHEN and RACHEL N. FARRINGTON. MAUREEN K. TOOHEY, Toohey Law Group LLC, of Boston, Massachusetts, argued for plaintiff-appellant Deka Products Limited Partnership.

JUANITA R. BROOKS, Fish & Richardson P.C. of San Diego, California, argued for defendants-appellees. With her on the brief was MICHAEL E. FLOREY, of Minneapolis, Minnesota.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, MAYER, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 13, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk