

FILED

UNITED STATES COURT OF APPEALS

APR 19 2010

FOR THE NINTH CIRCUIT

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

MICHAEL B. ESHELMAN, D.D.S.; et al.,

No. 09-15600

Plaintiffs - Appellants,

D.C. No. 3:07-cv-01429-JSW
Northern District of California,
San Francisco

v.

OTHOCLEAR HOLDINGS, INC., a
British Virgin Islands Company; et al.,

ORDER

Defendants - Appellees.

The parties have stipulated to the dismissal of this appeal under Fed. R. App. P. 42(b). This appeal is dismissed. Costs and fees shall be allocated according to the provisions of the stipulation. A copy of this order sent to the district court shall act as and for the mandate of this court.

For the Court:

MOLLY C. DWYER
Clerk of the Court:

Cathie A. Gottlieb
Deputy Clerk
Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit 27-10