

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ALPHA THERAPEUTIC CORPORATION  
and CLYDE MCCAULEY,

Plaintiffs-Appellants,

v.

NIPPON HOSO KYOKAI,  
Defendant-Appellee.

Filed January 12, 2001

Before: Harry Pregerson, John T. Noonan, and  
Diarmuid F. O'Scannlain, Circuit Judges.

No. 98-55642

D.C. No.  
CV-97-02140-SVW

ORDER

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**ORDER**

Pursuant to the Stipulation of the parties, filed August 30, 2000, to Effectuate this Court's August 15, 2000 Order, the Opinion filed on December 28, 1999 is withdrawn.

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, this case is dismissed and the mandate shall issue forthwith.