

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

LEONARD GREEN  
CLERK

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June 11, 2010

Sent via E-mail

Ralph S. Tyler, Esq.  
Chief Counsel  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silvr Spring, MD 20993

Re: No. 09-5460 *Smith v. Wyeth, Inc., et al.*  
No. 09-5466 *Wilson v. Pliva, Inc., et al.*  
No. 09-5509 *Morris v. Wyeth, Inc., et al.*

Dear Mr. Tyler:

I write at the request of the panel to which the consolidated appeals noted above were argued on Wednesday, June 9, 2010.

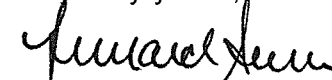
The court invites the Food and Drug Administration to file a brief setting forth its views on the preemption issue in these cases, and how the issue ought to be resolved.

Please submit your brief by Thursday, July 29, 2010. The court accepts electronic filings only, via its CM/ECF system. For information regarding registering to become an electronic filer in the Sixth Circuit, please refer to the court's website, [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov). Please feel free to call Ken Loomis (513-564-7067) or Lance Gifford (513-564-7068) of this office for assistance in registering.

For your convenience I have included with this letter copies of the briefs filed in each of these cases by the parties and by the *amici curiae*.

Thanking you for your attention to this request, I am

Very truly yours,

  
Leonard Green, Clerk

cc: Judges of the Panel  
Counsel of Record  
Case Manager Julie M. Brock  
Mr. Loomis  
Mr. Gifford