IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VIRBAC CORPORATION,	:	
	:	
Plaintiff,	:	
	:	Case No.: 1:05-CV-01128 (RMU)
v.	:	
	:	
CHANELLE PHARMACEUTICALS MANUFACTURING LIMITED, *et al.*,	:	
	:	
Defendants.	:	

DECLARATION OF MICHAEL H. BURKE IN SUPPORT OF THE MOTION OF DEFENDANT CHANELLE PHARMACEUTICALS MANUFACTURING LIMITED TO DISMISS THE FIRST AMENDED COMPLAINT FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE, OR, ALTERNATIVELY, TO TRANSFER VENUE, AND TO DISMISS COUNTS I, II, III, VI, VIII, AND IX OF THE COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

MICHAEL H. BURKE declares, pursuant to 28 U.S.C. § 1746(1), as follows:

1. I am the Managing Director of Chanelle Group, which includes Chanelle Pharmaceuticals Manufacturing Limited ("Chanelle"), one of the defendants in the above-captioned matter.

2. I submit this Declaration in support of Chanelle's Motion to Dismiss the First Amended Complaint ("Amended Complaint") of Virbac Corporation ("Virbac"). Specifically, I submit this Declaration in support of Chanelle's challenge to personal jurisdiction. I have personal knowledge of the facts set forth herein.

4. Chanelle is an Irish company with a principal place of business at Dublin Road, Loughrea, County Galway, Ireland.

5. Since 1985, Chanelle has been in the business of manufacturing a range of quality, veterinary pharmaceutical products.

6. In paragraph 7 of the Amended Complaint, Virbac alleges that "Chanelle also sells non-registered products in the United States including, Virbac is informed and believes, in the District of Columbia." *See First Amended Complaint*, at ¶7.

7. Contrary to Virbac's unsupported averments, Chanelle has never sold a non-registered product in the District of Columbia, nor has it sold a non-registered product in the United States.

8. Paragraph 11 of the Amended Complaint further alleges that "Hartz and (Virbac is informed and believes) Chanelle may be found in this District through their retails sales here . . .." *First Amended Complaint*, at ¶11.

9. Contrary to Virbac's allegation, Chanelle has never sold any products in the District of Columbia, such that it has never had any retail sales in the District of Columbia. Moreover, Chanelle has never received income from sales generated in the District of Columbia.

10. In addition to the above, Chanelle does not own, operate or maintain a manufacturing facility, office, or any other business, in the District of Columbia.

11. Similarly, Chanelle has never owned real or personal property or maintained bank accounts or lines of credit in the District of Columbia.

12. Chanelle is not registered to do business in the District of Columbia, and does not have a registered agent in the District of Columbia.

13. Finally, Chanelle does not conduct any targeted marketing or advertising in the District of Columbia.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 4th day of November, 2005, in Loughrea, County Galway, Ireland.

MICHAEL H. BURKE, M.V.B., M.R.C.V.S.