IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VANDERBILT UNIVERSITY,	)	
	)	
Plaintiff,	)	Case No. 1:05-cv-00506-SLR
vs.	)	
	)	
ICOS CORPORATION,	)	
	)	
Defendant.	)	

ICOS CORPORATION'S MOTION
TO STRIKE VANDERBILT'S JURY DEMAND

Pursuant to Fed. R. Civ. P. 39(a), Defendant ICOS Corporation (hereinafter "ICOS"), by its undersigned counsel, hereby moves the Court for an Order striking Plaintiff Vanderbilt University's jury demand. In support of its motion, ICOS submits the brief filed herewith. The brief submitted herewith also constitutes ICOS's opposition to Vanderbilt's motion to "correct" the docket scheduling this case as a bench trial.

WHEREFORE, ICOS respectfully requests that the Court strike Vanderbilt's jury demand, deny Vanderbilt's motion to "correct" the docket scheduling this case as a bench trial, and award all other just and appropriate relief.

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RULE 7.1.1 CERTIFICATE

The undersigned certifies that movants have made reasonable efforts to reach an agreement with opposing counsel on the matters set forth in this Motion.

Mary B. Matterer (I.D. No. 2696)

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VANDERBILT UNIVERSITY,	)	
	)	
Plaintiff,	)	Case No. 1:05-cv-00506-SLR
vs.	)	
	)	
ICOS CORPORATION,	)	
	)	
Defendant.	)	

ORDER

On this ___ day of _____, 2007, upon consideration of ICOS CORPORATION'S MOTION TO STRIKE VANDERBILT'S JURY DEMAND ("Motion to Strike") and PLAINTIFF'S MOTION FOR CORRECTION OF THE DOCKET ("Motion for Correction"), the Court hereby rules as follows:

IT IS ORDERED that ICOS'S Motion to Strike is GRANTED, and therefore Vanderbilt's jury demand is stricken;

IT IS ORDERED that Vanderbilt does not have a statutory or Constitutional right to a trial by jury for its 35 U.S.C. § 256 action, and therefore this case will be tried to the Court; and

IT IS FURTHER ORDERED that Plaintiff's Motion for Correction of the Docket is DENIED.

_____
Honorable Sue L. Robinson
UNITED STATES DISTRICT JUDGE