IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

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JOINT MOTION TO BRIEFLY ENLARGE THE TIME FOR FILING OF THE JOINT CLAIM CONSTRUCTION STATEMENT

COME NOW plaintiff Vanderbilt University ("Vanderbilt") and defendant ICOS Corporation ("ICOS") and jointly request a brief enlargement of the time for the filing of the Joint Claim Construction Statement as set in the Scheduling Order entered in this matter on or about December 7, 2005 (the "Court's Scheduling Order"), and state as follows:

1. The Court's Scheduling Order directed the parties to exchange lists of those claim terms that they believe need construction and their proposed claim construction of those terms on July 18, 2006.

2. On Friday, July 14, 2006, Vanderbilt's counsel e-mailed its proposed lists to ICOS' counsel.

3. On Monday, July 17, 2006, ICOS' counsel contacted Vanderbilt's counsel to suggest that in the absence of disputes regarding claim construction, the parties might be able to avoid the filing of a Joint Claim Construction Statement and the Court could avoid a claim construction hearing. In response, Vanderbilt's counsel e-mailed revised claims lists to ICOS' counsel

4. On July 18, 2006, after a telephone call among counsel for both parties, ICOS' counsel proposed a stipulation regarding claims construction.

5. On July 28, 2006, Vanderbilt's counsel advised ICOS' counsel that the stipulation was not acceptable to Vanderbilt. However, the parties remain engaged in good-faith efforts and discussions to come to an agreement on claim construction and are continuing to negotiate a possible stipulation as of the date of this joint motion.

6. To the extent that the parties are able to agree, the need for the Court to hold the claim construction hearing currently scheduled for November 30, 2006 will be obviated.

7. The parties anticipate reaching a decision on whether such an agreement can be reached within the next two weeks such that, to the extent necessary, a Joint Claims Construction Statement shall be filed on or before August 11, 2006.

8. To the extent a Joint Claims Construction Statement is filed, the parties do not anticipate a need for enlarging other dates relevant to claims construction as set forth in the Court's Scheduling Order. *i e* , if necessary, opening claims construction briefs shall be filed simultaneously on August 31, 2006; simultaneous response briefs shall be filed on October 2, 2006; and the Court shall hold the claim construction hearing on November 30, 2006.

9. To the extent that the parties agree on claim construction and the need for the claim construction hearing currently scheduled for November 30, 2006 is obviated, undersigned counsel will immediately notify the Court of same.

WHEREFORE, Vanderbilt and ICOS, by and through their undersigned counsel, respectfully move the Court to briefly enlarge the deadline for the filing the Joint Claims

Construction Statement until Friday, August 11, 2006.

Dated: July 31, 2006
Wilmington, DE

BIFFERATO, GENTILOTTI, BIDEN & BALICK

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