IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY, LTD. and TAP PHARMACEUTICAL PRODUCTS, INC.,	)	
Plaintiffs,	)	
v.	)	Civ. No. 06-33-SLR
TEVA PHARMACEUTICALS USA, INC. and TEVA PHARMACEUTICAL INDUSTRIES LTD.,	)	
Defendants.	)	

ORDER

At Wilmington this 3d day of July, 2007, having reviewed defendants' motion to amend and the papers submitted in connection therewith; and having conferred with counsel;

IT IS ORDERED that said motion (D.I. 104) is granted (without objection by plaintiffs) to the extent that defendants are asserting that plaintiff Takeda committed inequitable conduct during the prosecution of the application that resulted in the '098 patent. The motion is denied with respect to the second ground, that is, that plaintiff Takeda's petition for a patent term extension for the '098 patent was improper.

IT IS FURTHER ORDERED that defendants' request for further discovery relating to testing results between 1995 and 1997 is denied, consistent with the record

established at the discovery conference conducted on June 25, 2007.

United States District Judge