628096v1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA AB, AKTIEBOLAGET HÄSSLE, KBI-E, INC., KBI, INC. and ASTRAZENECA LP,	)	
Plaintiffs,	)	Civil Action No. 06-358 (SLR)
v.	)	
DEXCEL, LTD., DEXXON, LTD., DEXCEL PHARMA TECHNOLOGIES, LTD. and DEXCEL PHARMA TECHNOLOGIES,	)	
Defendants.	)	

DEFENDANTS' MOTION TO EXTEND TIME TO ANSWER, MOVE OR OTHERWISE RESPOND

Defendants Dexcel, Ltd., Dexxon, Ltd., Dexcel Pharma Technologies Ltd., and Dexcel Pharma Technologies respectfully move for a thirty (30) day enlargement of the time within which to answer, move or otherwise respond to the Complaint in this action. Pursuant to Local Rule 7.1.2(a), the defendants waive their right to file a separate opening brief in support of this motion. Instead, the defendants state in support of this motion as follows:

1. Plaintiffs appear to have served the Complaint in this action by hand delivery on the Delaware Secretary of State on or about May 31, 2006. Plaintiffs further appear to have sent copies of the Summons, Complaint and related papers by registered and/or international mail to at least some of the defendants on or about June 1, 2006.

2. Plaintiffs also filed an identical suit against the identical defendants in the Eastern District of Virginia, Civil Action No. 1:06-cv-634 ("the Virginia action"), on the

same day they served this action. This action is entirely duplicative of the Virginia action.

3. Two of the defendants in this and the Virginia action, Dexcel, Ltd. and Dexxon, Ltd., are Israeli-based entities that must be served via the Hague Convention. *See* Fed. R. Civ. P. 4(f). Plaintiffs did not offer these defendants the opportunity to waive service of process, which would have provided them at least sixty (60) days to answer or otherwise plead. *See* Fed. R. Civ. P. 4(d). Nor have Plaintiffs yet served these defendants pursuant to the Hague Convention.

4. Plaintiff's complaint (at ¶ 2) improperly lumps together all of the defendants with the common designation "Dexcel." Dexcel Ltd. and Dexxon, Ltd., however, are separate legal entities from each other and from Dexcel Pharma Technologies Ltd. ("DPT Ltd."). Neither Dexcel Ltd. nor Dexxon, Ltd. engaged in acts attributed to "Dexcel" in Plaintiff's complaint.

5. One of the identified defendants in this action, Dexcel Pharma Technologies is not a legal entity at all and thus lacks capacity to be sued. "Dexcel Pharma Technologies" is a name sometimes used by DPT Ltd. DPT Ltd. is a legal entity and a defendant named in this action.. DPT Ltd., however, lacks minimum contacts with Delaware.

6. One or more of the Plaintiffs may lack standing to assert the claims in the Complaint.

7. Plaintiffs' lawsuit in this District is thus subject to challenge on many grounds. An extension of an additional thirty (30) days to allow defendants to prepare a responsive filing is reasonable under the circumstances. Defendants specifically expect

to prepare and file a motion to dismiss this action pursuant to the Court's inherent authority to dismiss duplicative litigation. Plaintiffs also expect to present defenses via motion under one or more of Fed. R. Civ. P. 12 (b)(2), (5), and (6), and Fed. R. Civ. P. 17. In the alternative, defendants expect to ask the Court to transfer this duplicative action to Virginia.

8. Defendants calculate that the earliest date for a responsive pleading or motion is June 20, 2006. By this motion, Defendants seek to extend and consolidate the dates for all defendants to answer or otherwise plead until July 20, 2006, *i.e.*, thirty (30) days after the earliest possible due date for an answer.

9. Counsel for defendants conferred with counsel for plaintiffs prior to filing this motion, but could not reach agreement. Defendants therefore expect that this motion will be opposed.

10. This is the first request for an extension of time to answer or otherwise plead. Defendants have not been advised of any prejudice to plaintiffs if the Court were to grant the present motion.

WHEREFORE, the defendants respectfully request that the Court enter an order granting a thirty (30) day enlargement of the time within which to answer, mover or otherwise respond to the Complaint in this action, and grant such other relief as the Court deems just.

June 19, 2006

THE BAYARD FIRM

/s/ Richard D. Kirk
Richard D. Kirk (rk0922)
Ashley B. Stitzer (as3891)
222 Delaware Avenue
Suite 900
P.O. Box 25130
Wilmington, DE 19899
(302) 655-5000
Attorney for Defendants

OF COUNSEL:
David M. Airan
Saumil S. Mehta
Leydig, Voit & Mayer
Two Prudential Plaza
180 N. Stetson Avenue
Suite 4900
Chicago, IL 60601
(312) 616-5600

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on June 19, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Jack B. Blumenfeld, Esq.
Karen Jacobs Louden, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19801

The undersigned counsel further certifies that, on June 19, 2006, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

Errol B. Taylor, Esq.
Robert J. Koch, Esq.
Jay I. Alexander, Esq.
Enrique D. Longton, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1850 K Street NW
Washington, DC 20006

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA AB, AKTIEBOLAGET HÄSSLE, KBI-E, INC., KBI, INC. and ASTRAZENECA LP,	)	
Plaintiffs,	)	Civil Action No. 06-358 (SLR)
v.	)	
DEXCEL, LTD., DEXXON, LTD., DEXCEL PHARMA TECHNOLOGIES, LTD. and DEXCEL PHARMA TECHNOLOGIES,	)	
Defendants.	)	

LOCAL RULE 7.1.1 STATEMENT IN SUPPORT OF DEFENDANTS' MOTION TO EXTEND TIME TO ANSWER, MOVE OR OTHERWISE RESPOND

The undersigned attorney for the defendants Dexcel, Ltd., Dexxon, Ltd., Dexcel Pharma Technologies Ltd., and Dexcel Pharma Technologies (the "Defendants") hereby states, pursuant to Local Rule 7.1.1, that the Defendants' attorneys have made a reasonable effort to reach agreement with opposing counsel on the matters set forth in the Defendants' Motion to Extend Time to Answer, Move or Otherwise Respond, but that agreement was not forthcoming.

June 19, 2006

THE BAYARD FIRM

Richard D. Kirk (rk0922)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899-5130
(302) 655-5000
rkirk@bayardfirm.com
Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA AB, AKTIEBOLAGET HÄSSLE, KBI-E, INC., KBI, INC. and ASTRAZENECA LP,	)	
Plaintiffs,	)	Civil Action No. 06-358 (SLR)
v.	)	
DEXCEL, LTD., DEXXON, LTD., DEXCEL PHARMA TECHNOLOGIES, LTD. and DEXCEL PHARMA TECHNOLOGIES,	)	
Defendants.	)	

ORDER

Upon consideration of the Motion to Extend Time to Answer, Move or Otherwise Respond (the "Motion") filed by the defendants Dexcel, Ltd., Dexxon, Ltd., Dexcel Pharma Technologies Ltd., and Dexcel Pharma Technologies (the "Defendants"), IT IS HEREBY ORDERED that:

1. Defendants' Motion is GRANTED.

2. The Defendants shall have an additional thirty (30) days within which to file an answer, move or otherwise respond to the Complaint.

SO ORDERED this _____day of _____, 2006.

_____
United States District Judge

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on June 19, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Jack B. Blumenfeld, Esq.
Karen Jacobs Louden, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19801

The undersigned counsel further certifies that, on June 19, 2006, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

Errol B. Taylor, Esq.
Robert J. Koch, Esq.
Jay I. Alexander, Esq.
Enrique D. Longton, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1850 K Street NW
Washington, DC 20006

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk