THE BAYARD FIRM
ATTORNEYS

222 DELAWARE AVENUE, SUITE 900
P.O. BOX 25130
WILMINGTON, DE 19899
ZIP CODE FOR DELIVERIES: 19801

MERITAS LAW FIRMS WORLDWIDE
www.bayardfirm.com

302-655-5000
(FAX) 302-658-6395

WRITER'S DIRECT ACCESS

(302) 429-4242
astitzer@bayardfirm.com

ELECTRONICALLY FILED

August 6, 2007

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

Re: *AstraZeneca AB, et al. v. Dexcel, Ltd., et al.*,
C.A. No. 06-358 (SLR)

Dear Judge Robinson:

I represent the Dexcel defendants ("Dexcel") in this matter. I am writing to inform the Court regarding the unfortunate lack of progress in completing most of the discovery that Your Honor ordered on June 28, 2007 to be completed by July 27, 2007, and to propose topics for discussion at today's status conference.

I. ASTRA'S FAILURE TO COMPLY WITH COURT-ORDERED DISCOVERY

Continuation of Langkilde deposition: Dexcel requested (on 6/15, 7/10, and 7/26) that Astra's counsel propose a date for the Langkilde deposition. On July 27th Astra's counsel offered only one date: August 17, 2007.

Inspection of Astra NDA: Dexcel requested (on 6/27, 7/10, and 7/26) that Astra's counsel identify dates when Dexcel could inspect Astra's NDA. On July 27th Astra's counsel offered the weeks of August 13 or 20, 2007. This inspection must be completed and copies of the relevant documents identified as a result of the inspection must be produced, prior to the Merck deposition.

Merck deposition: Dexcel requested (on 5/22, 5/29, 6/18, 6/27, 7/10, and 7/26) that Astra's counsel, representing Merck, identify a witness and date for the Merck deposition. On July 27th Astra's counsel offered one date: September 12, 2007.

Exchange of Contentions: Dexcel updated its responses regarding its contentions on invalidity. Astra has declined to provide its contention regarding infringement.

Astra's intentional disregard of court-ordered discovery justifies sanctions. This Court scheduled completion of fact discovery by April 2007, and then extended it to July. It is now August. As this Court knows, this matter is scheduled for a November 5, 2007 trial and Astra's conduct has severely prejudiced Dexcel's ability to prepare for the trial.

II. REMAINING DISCOVERY FROM DEXCEL

Identify Andrx person: At the last status conference Dexcel was ordered to identify a witness from Andrx if Dexcel intended to rely upon certain documents provided to Dexcel by Andrx. Dexcel does not plan to rely upon the documents produced by Andrx and therefore has not identified an Andrx witness.

Dexcel 30(b)(6) deposition: Dexcel offered three dates (7/30, 7/31, and 8/6) for the Dexcel 30(b)(6) deposition of Dexcel's CEO in New York. Astra's counsel declined each date.

Dexcel remains willing to provide a Dexcel witness for the subject matter as previously agreed by the parties.

III. DEXCEL'S FORTHCOMING MOTION TO AMEND ITS ANSWER

Dexcel plans to seek leave to amend its Answer. Dexcel plans to raise the details regarding its proposed amendment to its Answer and the justification for the timing of such an action at the status conference.

III. SCHEDULING ISSUES

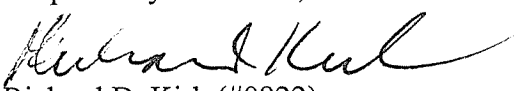
1. Markman related claim construction dates

2. Expert reports and discovery

3. Other pretrial dates

We appreciate Your Honor's attention to this matter.

Respectfully submitted,



Richard D. Kirk (#0922)

cc: All counsel as shown on attached certificate

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on August 6, 2007, she 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 August 6, 2007, 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/ Ashley B. Stitzer (as3891)
Ashley B. Stitzer