IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

PLAINTIFFS' MOTION TO SCHEDULE A RULE 16 CONFERENCE AND ADOPT A CASE SCHEDULING ORDER

1. The Complaint in the above-captioned action, filed on May 30, 2006, alleges patent infringement and seeks relief pursuant to 35 U.S.C. § 271, as amended by the Drug Price Competition and Patent Term Restoration Act of 1984 ("Hatch-Waxman"). Three of the plaintiffs are Delaware corporations, two of which also have their principal place of business in Delaware. The remaining two plaintiffs are corporations organized under the laws of Sweden. On information and belief, Defendants are, with one exception, all Israeli entities, having their headquarters and principal place of business in Israel. Again on information and belief, Dexcel Pharma Technologies acts as an agent for one of the Israeli defendants and is a U.S. entity having its principal place of business in Norfolk, Virginia.

2. On June 5, 2006, Plaintiffs filed a motion with the Judicial Panel on Multidistrict Litigation ("JPML") to transfer this action to the U.S. District Court for the Southern District of New York, for consolidation with related cases pending before that court as part of the pre-existing MDL No. 1291, *In re Omeprazole Patent Litigation*. In this motion,

Plaintiffs request that this Court schedule without delay a Rule 16 conference for the purpose of adopting a Scheduling Order to assist in the progress of this case.

3. Plaintiffs bring this motion in furtherance of Hatch-Waxman's policy of encouraging the prompt resolution of litigation triggered by the filing of Abbreviated New Drug Applications ("ANDAs") and Section 505(b)(2) Applications ("paper NDAs") under the legislation.

4. Although Plaintiffs expect that the action ultimately will be transferred and consolidated with other similar cases in the Southern District of New York, because the JPML meets only intermittently an order to this effect is unlikely to issue for several months. To avoid unnecessary delay in the interim, plaintiffs seek to proceed promptly to convene a Rule 16 conference and set a pre-trial schedule. This will allow the parties to make early progress in this litigation so that the Southern District does not need to begin from scratch when in due course it assumes responsibility for pre-trial preparation. If, contrary to Plaintiffs' expectations, the JPML declines to order consolidation, the action proposed will enhance this Court's ability to dispose of the litigation in an efficient manner. Whatever the JPML decides, therefore, the efficient handling of this action can only be advanced by early action by this Court consistent with this motion.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Louden (#2881)

Jack B. Blumenfeld (#1014)
Karen Jacobs Louden (#2881)
klouden@mnat.com
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347
(302) 658-9200
Attorneys for Plaintiffs

OF COUNSEL:
Errol B. Taylor
Robert J. Koch
Jay I. Alexander
Enrique D. Longton
MILBANK, TWEED, HADLEY & McCLOY LLP
1850 K Street NW
Washington, DC 20006
(202) 835-7500

June 7, 2006

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 7, 2006, I electronically filed the foregoing with the Clerk of the Court using CM/ECF.

I further certify that I caused copies to be served upon the following in the manner indicated:

BY INTERNATIONAL REGISTERED MAIL

DEXCEL, LTD
Southern Industrial Zone
Or Akiva, ISRAEL 30600

DEXCEL Pharma Technologies Ltd.
Southern Industrial Zone
Or Akiva, ISRAEL 30600

DEXXON, LTD
Southern Industrial Zone
Or Akiva, ISRAEL 30600

BY U.S. REGISTERED MAIL

DEXCEL Pharma Technologies
Wainwright Building
229 West Bute Street
Suite 407
Norfolk, VA 23510

/s/ Karen Jacobs Louden (#2881)

Karen Jacobs Louden (#2881)
klouden@mnat.com