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July 9, 2007

BY CM/ECF

The Honorable Gregory M. Sleet
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: Elan Pharma Int'l Ltd. v. Abraxis Bioscience, Inc. – C.A. No. 06-438-GMS

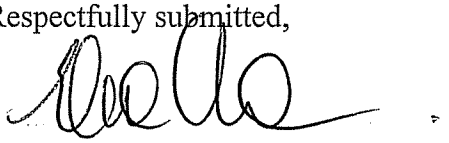
Dear Judge Sleet:

Defendant Abraxis Bioscience, Inc. respectfully requests that the court hold a fourth discovery conference. In addition to the issues raised in our letter of May 29, 2007, Abraxis requests a conference to address: (1) issuance of a protective order to prevent further harassment of Abraxis witnesses and counsel during depositions as well as improper coaching of witnesses and speaking objections; (2) the sufficiency of plaintiff Elan Pharma International Limited's document responses and document production; (3) Elan's failure to set forth the basis for its infringement and invalidity contentions in its interrogatory responses; (4) Elan's disclosure of Abraxis's restricted confidential information, and (5) Elan's objections to one of Abraxis's proposed experts. In addition, Abraxis seeks a protective order in connection with the deposition of Dr. Michael Hawkins, an Abraxis employee, which was suspended by Abraxis as a result of extensive, harassing questioning by Elan into irrelevant subject matter.

Good cause exists because the parties have noticed more than 10 depositions for the remainder of July, and Elan has been using a substantial portion of its deposition time questioning witnesses on subjects that have nothing to do with the issues in the case, and has engaged in harassment of counsel and improperly interfered with Abraxis' questioning during depositions. Moreover, although fact discovery will close at the end of July, Elan continues to refuse to explain how Abraxis infringes the patents-in-suit, explain why it believes the patents

are valid or produce relevant documents. In addition, Elan's objection to Abraxis's expert is hindering Abraxis's ability to develop its defenses and conduct discovery.

Respectfully submitted,



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