IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED, Plaintiff, v. ABRAXIS BIOSCIENCE, INC., Defendant.	)	Civil Action No. 06-438-GMS

DEFENDANT ABRAXIS BIOSCIENCE, INC.'S
MOTION TO COMPEL PRODUCTION OF DAMAGES DISCOVERY

Pursuant to Federal Rule of Civil Procedure 37, defendant Abraxis BioScience, Inc. ("Abraxis") hereby moves the Court for an Order granting Abraxis's Motion to Compel Production of Damages Discovery as outlined in the proposed Order attached hereto.

The grounds for this motion are fully set forth in Abraxis's Opening Brief in Support of its Motion to Compel Production of Damages Discovery and Declaration of Eric C. Pai thereto, the pleadings and other papers filed herein, and such additional argument or evidence as the Court shall receive.

WHEREFORE, defendant Abraxis BioScience, Inc. respectfully requests the Court to enter the attached Order granting this Motion to Compel.

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Dated: August 8, 2007

CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on August 8, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Steven J. Balick, Esquire
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Wilmington, DE 19801

I further certify that on August 8, 2007, I caused a true and correct copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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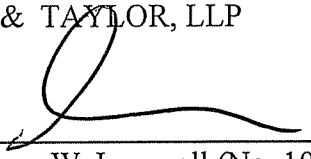

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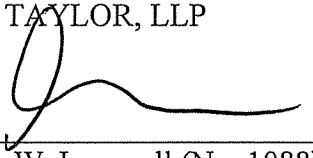
LOCAL RULE 7.1.1 STATEMENT

I, Elena C. Norman, Esquire, hereby certify pursuant to Local Rule 7.1.1, that counsel for Defendant, Abraxis Bioscience, Inc., have made reasonable efforts to reach agreement with counsel for the plaintiff on the matters set forth in the present motion.

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED,	)	
Plaintiff,	)	Case No. 06-438-GMS
v.	)	
ABRAXIS BIOSCIENCE, INC.,	)	
Defendant.	)	

[PROPOSED] ORDER

At Wilmington this ____ day of _____, 2007, upon consideration of defendant Abraxis BioScience, Inc.'s ("Abraxis") Motion to Compel Production of Damages Discovery and all of the evidence and argument submitted therewith, IT IS HEREBY ORDERED that Abraxis's Motion is GRANTED, as follows:

1. Plaintiff Elan Pharma International Limited ("Elan") shall produce all documents responsive to Abraxis's Requests for Production Nos. 61-64 and 106;

2. Elan's objections to Abraxis's Requests for Production Nos. 61-64 and 106 are hereby overruled;

3. Elan shall produce all documents listed on its Non-Party Confidentiality Log or otherwise withheld on grounds of non-party confidentiality obligations; and Elan shall designate and produce a witness in response to Abraxis's Notice of Rule 30(b)(6) Deposition of Elan Pharma International Limited, dated July 3, 2007.

_____
United States District Judge