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August 6, 2007

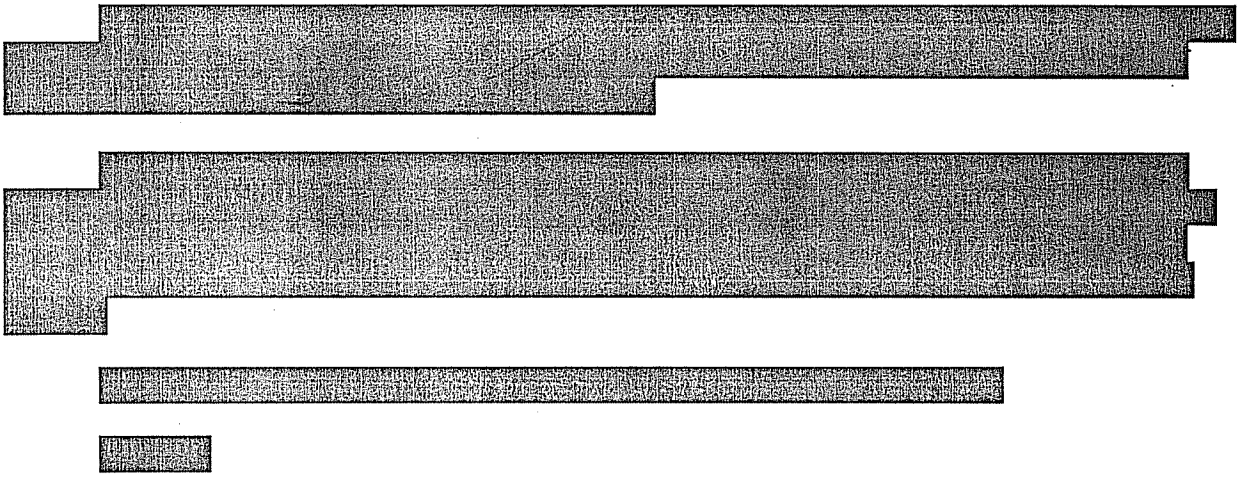
BY CM/ECF **REDACTED – PUBLIC VERSION**

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

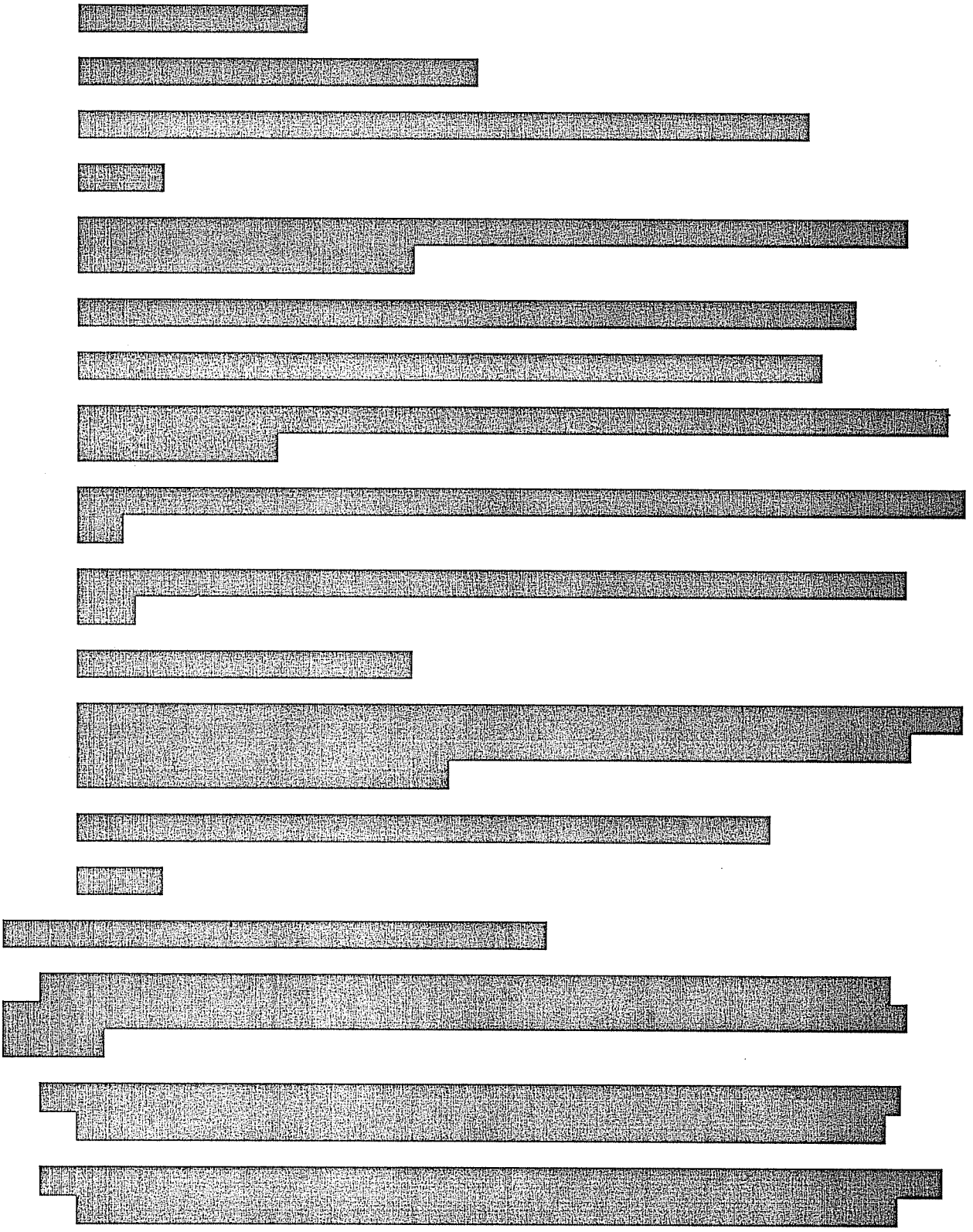
Re: Elan Pharma Int'l Ltd. v. Abraxis Bioscience, Inc. – C.A. No. 06-438-GMS

Dear Chief Judge Sleet:

Last week, following the claim construction hearing, Elan provided the Court with a declaration from Richard T. Collier, Executive Vice President & General Counsel, regarding his role at Elan. Documents produced by Elan and testimony on July 30, 2007 by Dr. Gary Liversidge, an inventor on both patents-in-suit, raise questions about that declaration.



[redacted]



[redacted]

Based on the above, Abraxis believes that Mr. Collier's apparent business role at Elan, as well as his proximity and contacts with Dr. Liversidge, are inconsistent with access to Abraxis Restricted Confidential Information. Based on the foregoing, and given the fact that we have had no discovery concerning Mr. Collier's day-to-day activities, Abraxis does not believe it appropriate to give Mr. Collier access to its Restricted Confidential Information.

Elan has not shown good cause to modify the parties' *stipulated* protective order — which the parties understood and agreed would not allow party access to restricted confidential documents — to permit such access by Mr. Collier.

Respectfully submitted,

Josy W. Ingersoll /by ERW (# 4780)

Josy W. Ingersoll (#1088)

JWI:jes
Enclosures

cc: Clerk of Court (by CM/ECF)
John G. Day, Esq. (Redacted Version by CM/ECF and electronic mail)
Steven J. Balick, Esq. (Redacted Version by CM/ECF and electronic mail)
Stephen Scheve, Esq. (by electronic mail)
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EXHIBITS A-D

REDACTED IN THEIR ENTIRETY