IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

PLAINTIFF ELAN PHARMA INTERNATIONAL LIMITED'S MOTION FOR CLARIFICATION OF ORDER CONSTRUING THE TERMS OF U.S. PATENT NO. 5,834,025

Pursuant to Federal Rule of Civil Procedure 59(e), Plaintiff Elan Pharma International Limited ("Elan") hereby files this Motion For Clarification Of Order Construing The Terms Of U.S. Patent No. 5,834,025.

The grounds for this Motion are fully set forth in Elan's concurrently-submitted Brief In Support Of Motion For Clarification Of Order Construing The Terms Of U.S. Patent No. 5,834,025, the accompanying Declaration Of Lisa A. Chiarini in support thereof, the pleadings and other papers filed herein, and such additional arguments or evidence as the Court shall receive.

WHEREFORE, Elan respectfully requests the Court grant Plaintiff Elan Pharma International Limited's Motion For Clarification Of Order Construing The Terms Of U.S. Patent No. 5,834,025.

ASHBY & GEDDES

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ORDER

The Court, having considered Plaintiff Elan Pharma International Limited's Motion For Clarification Of Order Construing The Terms Of U.S. Patent No. 5,834,025 and the points and authorities set forth in support thereof, is of the opinion that it should be, and hereby is, GRANTED. It is therefore ORDERED that:

(1) Plaintiff Elan Pharma International Limited's Motion For Clarification Of Order Construing The Terms Of U.S. Patent No. 5,834,025 is GRANTED and the Order construing the terms of U.S. Patent No. 5,834,025 is hereby AMENDED to provide in pertinent part:

> "[A]t an infusion rate not exceeding 10 mg/min" is construed to mean "intravenously administering the nanoparticulate composition at a rate not exceeding 10 milligrams of *active pharmaceutical agent* per minute."

Dated: _____

_____
Chief Judge