IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LTD,	)	
Plaintiff,	)	
v.	)	C.A. No. 06-438 GMS
ABRAXIS BIOSCIENCE, INC,	)	
Defendant.	)	

ORDER

WHEREAS, on July 24, 2007, the court held a *Markman* hearing in the above-captioned action;

WHEREAS, at the end of the parties' claim construction presentations, the parties raised several discovery issues with the court;

WHEREAS, the parties asked the court whether it should raise future discovery issues with Magistrate Judge Stark, whom the court had appointed as Special Master during a July 16, 2007 discovery teleconference;[1]

WHEREAS, the court believed that it had resolved the discovery issues between the parties during the discussion held after the *Markman* hearing;

WHEREAS, between August 8, 2007, and September 13, 2007, to the court's dismay, the parties filed 11 discovery motions;[2]

[1] See D.I. 200, at 32:24-33:4.

[2] See D.I. 234, 237, 240, 247, 252, 256, 259, 282, 296, 304, 334.

WHEREAS, the parties also filed their discovery motions with Magistrate Judge Stark, as well as several letters;[3] and

WHEREAS, the court is perplexed to be in receipt of discovery motions,[4] given the clear statement of the court's discovery procedure set forth in the Scheduling Order (D.I. 20);

IT IS HEREBY ORDERED that:

1. The parties' 11 discovery motions (D.I. 234, 237, 240, 247, 252, 256, 259, 282, 296, 304, 334) filed between August 8, 2007, and September 13, 2007 are hereby STRICKEN.

2. The parties shall cease and desist in the filing of any further discovery motions or letters, such as those recently filed. Failure to comply with this cease and desist Order may result in the offending party being held in contempt.

3. The court's July 16, 2007 oral Order referring this matter to Magistrate Judge Stark for discovery purposes is hereby STRICKEN.

4. The parties shall appear for a hearing on the issues raised in the 11 discovery motions before the Honorable Chief Judge Gregory M. Sleet, Courtroom 4A, 844 N. King St., Wilmington, DE, on **Tuesday, October 2, 2007, at 9:30 a.m.**

Dated: September 17, 2007

/s/ Gregory M. Sleet
CHIEF, UNITED STATES DISTRICT JUDGE

[3] See D.I. 243-45, 255, 330, 337.

[4] It also should be noted that the parties' childish tit-for-tat letters are not well-received by this court.