IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

ELAN PHARMA INTERNATIONAL LIMITED'S ORIGINAL ANSWER TO ABRAXIS BIOSCIENCE, INC.'S COUNTERCLAIMS

Plaintiff and Counter-Defendant Elan Pharma International Limited ("Elan") hereby files its Original Answer to Defendant and Counter-Plaintiff Abraxis BioScience, Inc.'s ("Abraxis") Counterclaims and would respectfully show the Court as follows:

Limited General Denial

Pursuant to Federal Rule of Civil Procedure 8(b), Elan generally denies all the averments of Abraxis's Counterclaims except such averments as expressly admitted below.

Specific Denial

Elan makes the following response to the specific averments in Abraxis's Counterclaims:

1. Elan is without sufficient knowledge or information to either admit or deny the averment of paragraph 88 of Abraxis's Counterclaims.

2. In response to paragraph 89 of Abraxis's Counterclaims, Elan admits that it is a company organized and existing under the laws of Ireland, having a business address at Monksland, Athlone Co., Westmeath, Ireland.

3. Elan admits that Abraxis's Counterclaims were filed pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Elan admits that subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a). Except as expressly admitted, Elan denies the averments of Paragraph 90 of Abraxis's Counterclaims.

4. Elan admits that a justiciable controversy exists between Elan and Abraxis concerning Abraxis's liability for infringement of U.S. Patent Nos. 5,399,363 (the "'363 Patent") and 5,834,025 (the "'025 Patent"). Elan also admits that venue is proper in the District of Delaware, but denies the remaining averments of paragraph 91 of Abraxis's Counterclaims.

5. Elan incorporates by reference its responses to each specific averment which admit or deny the averments of paragraphs 88-92 of Abraxis's Counterclaims.

6. Elan admits the averments of paragraph 93 of Abraxis's Counterclaims.

7. Elan admits the averments of paragraph 94 of Abraxis's Counterclaims.

8. Elan specifically denies the averments of paragraph 95 of Abraxis's Counterclaims.

9. Elan denies the averment of paragraph 96 of Abraxis's Counterclaims, except to admit that Abraxis seeks relief to which it is not entitled.

10. Elan incorporates by reference its responses to each specific averment which admit or deny the averments of paragraphs 88-97 of Abraxis's Counterclaims.

11. Elan admits the averments of paragraph 98 of Abraxis's Counterclaims.

12. Elan specifically denies the averments of paragraph 99 of Abraxis's Counterclaims.

13. Elan denies the averment of paragraph 100 of Abraxis's Counterclaims, except to admit that Abraxis seeks relief to which it is not entitled.

14. Elan incorporates by reference its responses to each specific averment which admit or deny the averments of paragraphs 88-101 of Abraxis's Counterclaims.

15. Elan specifically denies the averments of paragraph 102 of Abraxis's Counterclaims.

16. Elan denies the averments of paragraph 103 of Abraxis's Counterclaims.

17. Elan specifically denies that Abraxis is entitled to any relief and therefore denies the averments of paragraphs titled "Prayer for Relief" of Abraxis's Counterclaims, except to admit that Abraxis seeks various types of relief to which it is not entitled.

18. Elan admits that Abraxis seeks a trial by jury for all issues properly subject to a jury trial.

19. Elan denies all averments not affirmatively admitted above.

ASHBY & GEDDES

/s/ Tiffany Geyer Lydon

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