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January 17, 2008

BY CM/ECF

The Honorable Gregory M. Sleet
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. 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:

Abraxis submits this letter to correct a misstatement in its Response to Plaintiff's January 2, 2008 Letter Requesting Permission to File Motions for Summary Judgment (D.I. 451). Abraxis alleged in its answering letter brief that Elan first disclosed the filing of a terminal disclaimer with regard to U.S. Patent No. 5,399,363 with the filing of its opening summary judgment letter brief. (D.I. 451 at 2.) After reading the statement in Elan's reply letter brief that it had previously disclosed the terminal disclaimer (D.I. 455 at 1-2), counsel for Abraxis went back through the discovery that Elan referenced and confirmed that Elan had done so. Abraxis apologizes for its error.

Respectfully submitted,

Karen E. Keller (#4489)

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