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

At Wilmington this 13th day of February, 2008, having reviewed and duly considered the parties' letter requests to file motions for summary judgment;

IT IS ORDERED that the letter requests to file motions for summary judgment (D.I. 447, 446) are DENIED. The court finds that there are triable issues of fact on the claims raised by the parties' letters. Further, the parties are advised to stipulate to those facts on which they agree, such as the presence of certain claim limitations of U.S. Patent No. 5,399,363 in the accused product, in the Joint Pretrial Order.

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