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 28th day of May, 2008, having reviewed and duly considered the plaintiff's Motion for Reconsideration;

IT IS ORDERED that the Motion for Reconsideration (D.I. 575) is DENIED. The court issued the May 19, 2008 Order (D.I. 569) clarifying its claim construction, after it became abundantly clear during the course of the pretrial conference that the plaintiff had misinterpreted the intent of the court's previous claim construction Order (D.I. 271). The May 19, 2008 Order was not meant to supplant the court's earlier claim construction Order,[1] but merely to clarify what the court perceived was already clear to the parties from that Order – that in rejecting the plaintiff's argument that only a "portion" of the medicament be crystalline, the court's construction necessarily required that the entire medicament be crystalline.

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

[1] Had the court intended to supplant is previous claim construction Order, it would have issued an Amended Order construing the terms of the patents-in-suit rather than a clarification Order.