UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

DEFENDANT'S MOTION FOR SANCTIONS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11

Pursuant to Federal Rule of Civil Procedure Rule 11(c), Defendant Abraxis BioScience, Inc. hereby moves this Court for entry of an order in the form attached hereto, sanctioning Plaintiff Elan Pharma International Limited. The grounds for this motion are set forth in Defendant's Opening Brief in Support of its Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11, filed herewith.

Dated: March 20, 2007

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CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on February 26, 2007, I caused copies of the foregoing document to be served upon the following counsel in the manner indicated:

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CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on March 20, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on March 20, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

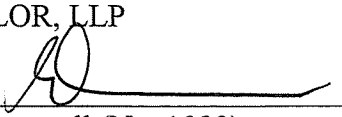
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ORDER

This ____ day of _____, 2007, the Court having considered Defendant Abraxis BioScience, Inc.'s Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11, and the parties' arguments relating thereto;

It is hereby ordered that the Defendant's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 is GRANTED. It is hereby ORDERED that:

All allegations of the Complaint regarding the '363 patent are dismissed. Refiling shall be permitted only if and when Plaintiff Elan Pharma International Limited can establish and document, in its Complaint, a prima facie basis for its allegations.

Plaintiff shall reimburse Defendant for its attorneys' fees and costs incurred defending against Plaintiff's '363 patent infringement claim, including fees and costs incurred bringing its Rule 11 Motion relating to the '363 patent, and time spent on discovery relating to the '363 patent, all as permitted by Rule 11(c)(1)(A). *See* Fed. R. Civ. P. 11(c)(2). Within ten (10) court days of the date of this Order, the parties shall in good faith meet and confer to determine the amount of fees incurred on these projects. If

the parties are able to reach an agreement regarding the fees, the parties shall file a stipulated agreement setting forth the amount of fees agreed to within twenty (20) court days of the date of this Order and Plaintiff shall pay that amount within thirty (30) court days of the date of this Order. If the parties are unsuccessful in reaching a stipulated agreement, Defendant shall file a formal motion for fees within fifty (50) court days of the date of this Order.

IT IS SO ORDERED.

_____

Honorable Gregory M. Sleet
United States District Judge

Dated: _____, 2007