**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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

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

On this _____day of _____, 2007, the Court, having considered Defendant Abraxis Bioscience, Inc.'s Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 ("Defendant's Motion"), Plaintiff Elan Pharma International Limited's Response thereto, the pleadings, and the affidavits of counsel, is of the opinion that Defendant's Motion should be, and hereby is DENIED. It is also hereby ORDERED that:

Defendant shall reimburse Plaintiff for its attorneys' fees and expenses incurred in responding to Defendant's Motion, as permitted by Federal Rule of Civil Procedure 11(c)(1)(A). Within ten (10) days of the date of this Order, the parties shall meet and confer in good faith to determine the amount of fees and expenses incurred by Plaintiff in responding to Defendant's Motion. If the parties reach an agreement regarding such fees and expenses, they shall jointly file a stipulated agreement setting forth the amount to be paid by Defendant to Plaintiff within twenty (20) days of the date of this Order, and Defendant shall pay that amount within thirty (30) days of the date of this Order. If the parties are unsuccessful in reaching a stipulated agreement,

Plaintiff shall file a formal motion for fees and expenses within fifty (50) days of the date of this Order.

IT IS SO ORDERED.

_____
Honorable Gregory M. Sleet
United States District Judge

Dated: _____, 2007.