IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORPORATION and BOSTON SCIENTIFIC SCIMED, INC.,	)	
Plaintiffs,	)	
v.	)	C.A. No. 07-409-SLR
JOHNSON & JOHNSON, INC. and CORDIS CORPORATION,	)	
Defendants.	)	

DEFENDANTS' MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION

Defendants in the captioned action hereby respectfully move, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, to dismiss the complaint on the ground that this Court lacks jurisdiction over its subject matter.

The basis for the requested relief already is fully set forth in defendants' July 18, 2007 double-captioned opening memorandum in support of their motions to dismiss the complaints in Civil Action Numbers 07-333-SLR and 07-348-SLR. Rather than burden the Court with a new copy of that same brief in this action, defendants simply rely upon, and incorporate herein by reference, that already-filed opening memorandum (D.I. 11 in C.A. No. 07-333-SLR, and D.I. 9 in C.A. No. 07-348-SLR) in support of their motion in this case.

ASHBY & GEDDES

/s/ Steven J. Balick

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Dated: July 26, 2007
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Defendants.	)	

ORDER

This _____ day of _____, 2007, the Court having considered defendants' motion to dismiss for lack of subject matter jurisdiction in the above action, and having concluded that good grounds exist for the requested relief; now therefore,

IT IS HEREBY ORDERED that defendants' motion is granted, and that the complaint is dismissed without prejudice.

_____
United States District Judge