IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA UK LIMITED,
IPR PHARMACEUTICALS, INC., and
SHIONOGI SEIYAKU KABUSHIKI KAISHA,

Plaintiffs,

v.

COBALT PHARMACEUTICALS INC., and
COBALT LABORATORIES INC.,

Defendant.

Civil Action No.: 07-811-JJF-LPS

REDACTED VERSION DI 24

PLAINTIFFS' MOTION TO DISMISS DEFENDANTS' FOURTH CLAIM FOR RELIEF

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IN THE UNITED STATES DISTRICT COURT
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ASTRAZENECA PHARMACEUTICALS LP,
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Plaintiffs,

v.

COBALT PHARMACEUTICALS INC., and
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Defendant.

Civil Action No.: 07-811-JJF-LPS

REDACTED VERSION DI 24

PLAINTIFFS' MOTION TO DISMISS DEFENDANTS' FOURTH CLAIM FOR RELIEF

Plaintiffs AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals, Inc., and Shionogi Seiyaku Kabushiki Kaisha (collectively "Plaintiffs") move to dismiss Defendants' Fourth Claim for Relief: Declaratory Judgment of Noninfringement or Invalidity of the '460 Patent for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), as set forth fully in Plaintiffs' Opening Brief submitted concurrently herewith. A proposed form of Order is attached hereto as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order granting their Motion To Dismiss.

Respectfully Submitted:

/s/ Mary W. Bourke

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REDACTED VERSION: March 28, 2008
Dated: March 21, 2008

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA PHARMACEUTICALS LP, ASTRAZENECA UK LIMITED, IPR PHARMACEUTICALS, INC., and SHIONOGI SEIYAKU KABUSHIKI KAISHA, Plaintiffs, v. COBALT PHARMACEUTICALS INC., and COBALT LABORATORIES INC., Defendant.	Civil Action No.: 07-811-JJF-LPS **REDACTED VERSION DI 24**

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Dismiss Defendants' Fourth Claim for Relief, it is hereby ORDERED that Plaintiffs' Motion to Dismiss is GRANTED.

SO ORDERED this _____ day of _____, 2008.

_____
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify on this 28th day of March, 2008 I electronically filed the foregoing Redacted Version of DI 24 PLAINTIFFS' MOTION TO DISMISS DEFENDANTS' FOURTH CLAIM FOR RELIEF with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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The undersigned counsel further certifies that, on March 28, 2008, copies of the foregoing document were also served upon the following individuals in the manner indicated:

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