**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,<br><br>Plaintiffs,<br><br>v.<br><br>COBALT PHARMACEUTICALS INC., and COBALT LABORATORIES INC.,<br><br>Defendants. | Civil Action No.: 07-811-JJF-LPS |

**PLAINTIFFS' NOTICE OF WITHDRAWAL**
**OF MOTION TO DISMISS FOURTH CLAIM FOR RELIEF**

Whereas Plaintiffs' and Defendants' Stipulation of Dismissal of Defendants' Counterclaims and Requests for Relief Relating to U.S. Patent No. 6,316,460 renders moot Plaintiffs' Motion to Dismiss Defendants' Fourth Claim for Relief (D.I. 24), Plaintiffs hereby withdraw that motion from the Court's consideration.

| | |
|---|---|
| Ford F. Farabow<br>Charlie E. Lipsey<br>York M. Faulkner<br>FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.<br>901 New York Avenue, N.W.<br>Washington, D.C. 20001<br>Telephone: (202) 408-4000<br>Facsimile: (202) 408-4400<br><br>Henry J. Renk<br>FITPATRICK, CELLA, HARPER & SCINTO<br>30 Rockefeller Plaza<br>New York, NY 10112<br>Telephone: (212) 218-2100<br>Facsimile: (212) 218-2200<br><br>*Of Counsel for Plaintiffs,*<br>AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals, Inc., and Shionogi Seiyaku Kabushiki Kaisha<br><br>Dated: April 2, 2008 | Respectfully Submitted:<br><br>*/s/ Mary W. Bourke*<br>Mary W. Bourke (#2356)<br>CONNOLLY BOVE LODGE & HUTZ LLP<br>1007 N. Orange Street<br>Wilmington, DE 19899<br>Telephone: (302) 658-9141<br>Facsimile: (302) 658-5614<br>mbourke@cblh.com<br>*Attorneys for Plaintiffs* |

## CERTIFICATE OF SERVICE

I, hereby certify on this 2nd day of April, 2008 I electronically filed the foregoing PLAINTIFFS' NOTICE OF WITHDRAWAL OF MOTION TO DISMISS FOURTH CLAIM FOR RELIEF with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

**Richard L. Horwitz**
POTTER ANDERSON & CORROON LLP
Hercules Plaza
1313 N. Market St., 6th Floor
Wilmington, DE 19899
Phone: 302-984-6000
Fax: 302-658-1192
rhorwitz@potteranderson.com

The undersigned counsel further certifies that, on April 2, 2008, copies of the foregoing document were also served upon the following individuals in the manner indicated:

**Via Email and Hand Delivery:**
**Richard L. Horwitz**
**David E. Moore**
POTTER ANDERSON & CORROON LLP
Hercules Plaza
1313 N. Market St., 6th Floor
Wilmington, DE 19899
Phone: 302-984-6000
Fax: 302-658-1192
rhorwitz@potteranderson.com
dmoore@potteranderson.com

**Via Email and Federal Express:**
**Steve A. Maddox**
**Jeremy J. Edwards**
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, DC 20007
Phone: 202-672-5300
Fax: 202.672.5399
smaddoz@foley.com
jjedwards@foley.com

**CONNOLLY BOVE LODGE & HUTZ LLP**

By: */s/ Mary W. Bourke*
**Mary W. Bourke (#2356)**
1007 N. Orange Street
Wilmington, DE 19899
Telephone: (302) 658-9141
Facsimile: (302) 658-5614
mbourke@cblh.com

602225