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,	)	C.A. No. 07-808-JJF-LPS
Plaintiffs,	)	
v.	)	
PAR PHARMACEUTICAL, INC.,	)	
Defendant.	)	

PAR PHARMACEUTICAL INC.'S OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS COUNTERCLAIM COUNTS IV AND V

Plaintiffs' motion to dismiss counterclaim counts IV and V should be denied as moot because Par Pharmaceutical, Inc. ("Par") has now voluntarily dismissed those counts. On January 31, 2008, Par filed counterclaim counts IV and V seeking a declaration of noninfringement and invalidity with respect to U.S. Patent No. 6,316,460. On March 21, 2008, AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals, Inc., and Shionogi Seiyaku Kabushiki Kaisha (collectively "AstraZeneca") filed a motion to dismiss counterclaim counts IV and V.

On May 5, 2008, Par voluntarily dismissed counterclaim counts IV and V pursuant to Rule 41(a)(1) and 41(c) of the Federal Rules of Civil Procedure. Accordingly, AstraZeneca's motion to dismiss is moot. *See Collins v. Christie*, No. 06-4702, 2007 U.S. Dist. LEXIS 61579 (E.D. Pa. Aug. 22, 2007) (denying defendant's motion to dismiss as moot in light of plaintiff's filing of a Notice of Dismissal under Federal Rule of Civil Procedure 41(a)(1)).

WHEREFORE, Par respectfully requests that the Court enter an Order denying plaintiffs' Motion to Dismiss. A proposed form of Order is attached hereto as Exhibit A.



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Dated: May 7, 2008

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

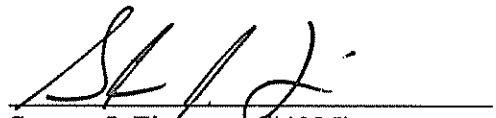
I hereby certify that on May 7, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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I hereby certify that on May 7, 2008, I have sent by electronic mail, the foregoing document to the following non-registered participants:

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EXHIBIT A

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Plaintiffs,	)	
v.	)	
PAR PHARMACEUTICAL, INC.,	)	
Defendant.	)	

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Dismiss Par Pharmaceutical, Inc.'s Counterclaim Counts IV and V and Par Pharmaceutical, Inc.'s response thereto, it is hereby ORDERED that Plaintiffs' Motion to Dismiss is DENIED.

SO ORDERED this _____ day of _____, 2008.

_____
United States District Judge