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Aurobindo Pharma Limited and
Aurobindo Pharma USA, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ASTRAZENECA PHARMACEUTICALS LP, ASTRAZENECA UK LIMITED, IPR PHARMACEUTICALS, INC., and SHIONOGI SEIYAKU KABUSHIKI KAISHA, Plaintiffs, v. AUROBINDO PHARMA LIMITED, and AUROBINDO PHARMA USA, INC., Defendants.	Case No. 07-CV-06020 (MLC)(JJH) **NOTICE OF MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION** Motion Return Date: March 3, 2008 **DEMAND FOR ORAL ARGUMENT** ***DOCUMENT ELECTRONICALLY FILED***

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PLEASE TAKE NOTICE that on March 3, 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, Defendants Aurobindo Pharma Limited ("Aurobindo India") and Aurobindo Pharma USA, Inc. ("Aurobindo USA"), by and through their attorneys, Saiber LLC and Michael Best & Friedrich LLP, shall appear before the Honorable Mary L. Cooper, U.S.D.J., and shall move for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(1), dismissing the Complaint (D.I. 1) against Aurobindo USA, and for an Order dismissing Count II of the Complaint (D.I. ¶¶26-31) against Aurobindo India.

In support of its Motion, Aurobindo USA and Aurobindo India rely upon their Brief, the Declaration of Dr. S. Padmaja, filed concurrently herewith, any reply papers in support thereof, and oral argument, which is respectfully requested herein.

In addition, Aurobindo USA and Aurobindo India also have enclosed proposed orders for

the Court's consideration.

Dated: January 31, 2008

Respectfully submitted,

/s/ Arnold B. Calmann

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ASTRAZENECA PHARMACEUTICALS LP, ASTRAZENECA UK LIMITED, IPR PHARMACEUTICALS, INC., and SHIONOGI SEIYAKU KABUSHIKI KAISHA, Plaintiffs, v. AUROBINDO PHARMA LIMITED, and AUROBINDO PHARMA USA, INC., Defendants.	Case No. 07-CV-06020 (MLC)(JJH) **ORDER TO DISMISS** Motion Return Date: March 3, 2008 ***DOCUMENT ELECTRONICALLY FILED***

THIS MATTER having been opened to the Court by Defendants Aurobindo Pharma

USA, Inc., and Aurobindo Pharma Limited, by and through their attorneys, Saiber LLC and Michael Best & Friedrich LLP, in connection with their Motion to Dismiss for Lack of Subject Matter Jurisdiction, the Court having considered all papers filed in support of and in opposition to Defendants' Motion; and the Court having considered oral argument, if any; and the Court having considered the pleadings in this matter; and for other and good cause having been shown,

IT IS on this ___ day of _____ 2008;

ORDERED as follows:

(1) Aurobindo Pharma USA, Inc.'s Motion to Dismiss the Complaint (D.I. 1) in this matter is granted; and

(2) Aurobindo Pharma Limited's Motion to Dismiss Count II of the Complaint (D.I. at ¶26-31) in this matter is granted.

HONORABLE MARY L. COOPER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Arnold B. Calmann, hereby certify that on the 31st day of January 2008, a true and correct copy of Defendants Motion to Dismiss For the Lack of Subject Matter Jurisdiction was served to the following counsel of record via electronic mail:

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Dated: January 31, 2008