IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN, INC., and ALLERGAN SALES, LLC., Plaintiffs, v. ALCON INC., ALCON LABORATORIES, INC., and ALCON RESEARCH, LTD., Defendants.	)	**Civil Action No: 04-968-GMS**

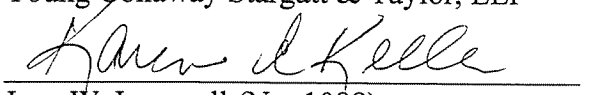
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF ALLERGAN'S U.S. PATENT NO. 6, 673,337 AND INVALIDITY OF ITS U.S. PATENT NO. 6,641,834

Pursuant to the FEDERAL RULES OF CIVIL PROCEDURE RULE 56, Defendants' hereby move the Court for Summary Judgment of Non-Infringement of Allergan's U.S. Patent No. 6, 673,337 and Invalidity of its U.S. Patent No. 6,641,834. The grounds for this motion are set forth in Defendant's Opening Brief in Support of its Motion for Summary Judgment of Non-Infringement of Allergan's U.S. Patent No. 6, 673,337 and Invalidity of its U.S. Patent No. 6,641,834, filed contemporaneously herewith. A proposed Order also is enclosed herewith.

Dated: May 2, 2005

Respectfully submitted,

Young Conaway Stargatt & Taylor, LLP



Josy W. Ingersoll (No. 1088)
John W. Shaw (No. 3362)
Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street
Wilmington, Delaware 19801
(302) 571-6600
Email: kkeller@ycst.com

Attorneys for defendants
Alcon, Inc., Alcon Laboratories Inc.,
and Alcon Research, Ltd.

Of Counsel

Daniel J. Thomasch
Brian D. Coggio
M. Veronica Mullally
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103
(212) 506-5000

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire hereby certify that on May 2, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

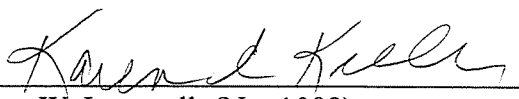
William J. Marsden, Jr., Esquire
Fish & Richardson, P.A.
919 N. Market Street, Suite 1100
Wilmington, DE 19801

I further certify that on May 2, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY FEDERAL EXPRESS

Jonathan E. Singer, Esquire
Fish & Richardson, P.A.
3300 Dain Rauscher Plaza
60 South Sixth Street
Minneapolis, MN 55402

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Josy W. Ingersoll (No. 1088)
Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kkeller@ycst.com

Attorneys for Defendants