IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANTS' SUMMARY JUDGMENT BRIEF

For the reasons set forth in their accompanying brief, Plaintiffs hereby move the Court to strike Alcon's motion for summary judgment of non-infringement and invalidity to the extent it goes beyond the issues on which the Court gave Defendants permission to move for summary judgment. A proposed order is enclosed herewith.

Dated: May 16, 2005

FISH & RICHARDSON P.C.

By: _____

William J. Marsden, Jr. (marsden@fr.com)
Sean P. Hayes (hayes@fr.com)
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
Telephone: (302) 652-5070

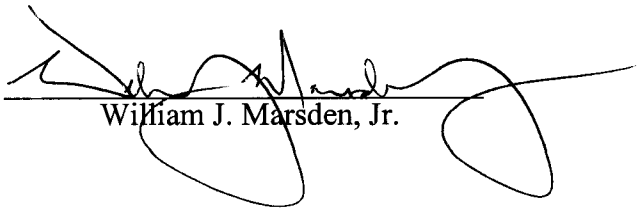
Jonathan E. Singer
Michael J. Kane
Deanna J. Reichel
3300 Dain Rauscher Plaza
60 South Sixth Street
Minneapolis, MN 55402
Telephone: (612) 335-5070

Juanita Brooks
W. Chad Shear
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070

Attorneys for Plaintiffs
ALLERGAN, INC. and ALLERGAN SALES, LLC

RULE 7.1.1 CERTIFICATE

The undersigned certifies that counsel for movants have made reasonable effort to reach agreement with the opposing attorneys on the matters set forth in the motion.



William J. Marsden, Jr.

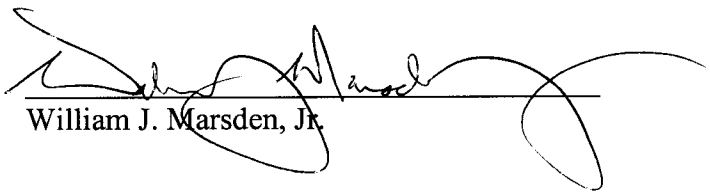
CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2005, I electronically filed with the Clerk of Court PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANTS' SUMMARY JUDGMENT BRIEF using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building, 17th Floor
1000 West Street
P.O. Box 391
Wilmington, DE 19899-0391

I hereby certify that on May 16, 2005, I have mailed by Federal Express, the document(s) to the following non-registered participants:

Brian D. Coggio, Esq.
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103-0001



William J. Marsden, Jr.

60293434.doc