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

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Having considered the submissions of the parties, arguments of counsel, and the record as a whole, Plaintiffs' Motion to Strike Portions of Defendants' Motion for Summary Judgment is GRANTED.

The "therapeutically effective," best mode, and solubility enhancing component/preservative arguments in Alcon's summary judgment brief are hereby stricken, and will not be considered by the Court.

IT IS SO ORDERED.

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Date

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United States District Judge
Gregory M. Sleet