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)

ORDER

WHEREAS, on February 11, 2005, the court entered a Scheduling Order (the "Order") (D.I. 30) in the above-captioned case;

WHEREAS, the Order directs the parties to submit letter briefing and states that the court will hear argument at the *Markman* hearing, presently scheduled for June 28, 2005, regarding (1) whether a claim of willful infringement is permissible in this case, and (2) whether or not a jury trial is permissible (*Id.* ¶¶ 3, 13);

WHEREAS, the Order also states that the defendants shall be permitted to file two summary judgment motions to be heard at the *Markman* hearing (*Id.* ¶ 8a); and

WHEREAS, the court has reviewed the parties' submissions and concludes that it will be able to resolve the summary judgment motions, as well as the willful infringement and jury trial issues without oral argument;

IT IS HEREBY ORDERED that:

1. Oral argument at the June 28, 2005 hearing shall be limited to construction of the disputed terms of U.S. Patent No. 6,673,337 and U.S. Patent No. 6,641,834.

Dated: June 13 , 2005

/s/ Gregory M. Sleet

UNITED STATES DISTRICT JUDGE