IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CEPHALON, INC. and UNIVERSITY OF UTAH RESEARCH FOUNDATION, Plaintiffs, v BARR LABORATORIES, INC., Defendant.	Civil Action No. 05-29-JJF

ORDER

WHEREAS, Plaintiffs Cephalon, Inc. and University of Utah Research Foundation having moved this Court to dismiss Defendant's Barr Laboratories, Inc.'s ("Defendant") counterclaim for declaratory relief contained in its Answer and Counterclaim dated February 10, 2005, pursuant to Fed. R. Civ. P. 12(b)(1), 21 U.S.C. § 355(j)(5)(C) and 35 U.S.C. § 271(e)(5) ("Motion");

WHEREAS, the Court having considered the Motion and having provided Defendant the opportunity to be heard,

IT IS HEREBY ORDERED that Defendant's counterclaim in the above-captioned action is DISMISSED with prejudice.

SO ORDERED this _____ day of _____, 2005

_____
United States District Judge