UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

APOTEX, INC., a Canadian corporation and APOTEX CORP., a Delaware corporation,

Plaintiffs,

vs.

SANOFI-AVENTIS, a corporation of France, SANOFI-SYNTHELABO, INC., a Delaware corporation, BRISTOL-MYERS SQUIBB COMPANY, a Delaware corporation and BRISTOL-MYERS SQUIBB SANOFI-SYNTHELABO HOLDING PARTNERSHIP, a Delaware corporation,

Defendants.
_____/

CASE NO.: 09-CV-61575-Cohn/Seltzer

PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs APOTEX, INC. and APOTEX CORP., through their undersigned counsel, file their Notice of Dismissal Without Prejudice as to all claims against Defendants SANOFI-AVENTIS, SANOFI-SYNTHELABO, INC., BRISTOL-MYERS SQUIBB COMPANY and BRISTOL-MYERS SQUIBB SANOFI-SYNTHELABO HOLDING PARTNERSHIP. Plaintiffs file this notice pursuant to Rule 41(a)(1)(A)(i), Fed. R. Civ. P. None of the named Defendants in this action have served an Answer or Motion for Summary Judgment. Plaintiffs have not previously dismissed any federal or state-court action based on or including the same claim. Thus, pursuant to Rule 41(a)(1)(A)(i), Fed. R. Civ. P., this dismissal shall be without prejudice.

Dated: October 22, 2009

By: /s/ Eric C. Cohen
Robert B. Breisblatt
Florida Bar No. 145928
Eric C. Cohen (pro hac vice)
Michael Dorfman (pro hac vice)
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661-3693
Telephone: 312.902.5200
Facsimile: 312.902.1061
Email: robert.breisblatt@kattenlaw.com
Email: eric.cohen@kattenlaw.com
Email: michael.dorfman@kattenlaw.com

DUANE MORRIS LLP

By: /s/ Lida Rodriguez-Taseff
Lida Rodriguez-Taseff
Florida Bar No. 039111
200 South Biscayne Boulevard, Suite 3400
Miami, Florida 33131
Telephone: 305.960.2242
Direct Fax: 305.397.2443
Email: lrtaseff@duanemorris.com

Attorneys for Plaintiffs Apotex Inc. and Apotex Corp.