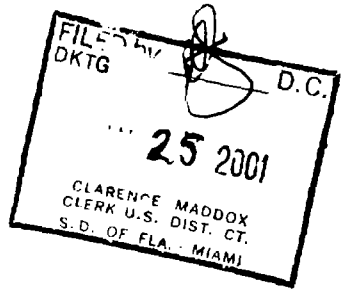
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

ELAN CORPORATION, PLC
Plaintiff
vs.
ANDRX PHARMACEUTICALS, INC
Defendant

98-7164-CIV-JORDAN



ELAN CORPORATION, PLC
Plaintiff
vs.
ANDRX PHARMACEUTICALS, INC
Defendant

00-7057-CIV-JORDAN

ORDER

Elan's motion in limine to preclude Andrx from introducing the testimony of Eugene Rzucidlo as to the validity or enforceability of the patent-in-suit [D.E. 82] is DENIED. Given the cases cited by the parties and Mr. Rzucidlo's admissions as to his lack of expertise in the pharmaceutical arts, I doubt that any testimony by Mr. Rzucidlo on validity or enforceability will be admissible. Nevertheless, in an abundance of caution, I will not exclude the testimony prior to trial. Elan will be able to cross-examine Mr. Rzucidlo on his skill, or lack thereof, in the pharmaceutical arts, and can make its objections as to his testimony in post-trial submissions. If I conclude that Mr. Rzucidlo is not competent to testify as to validity or enforceability, I will strike his testimony as to those matters and not consider it.

DONE and ORDERED in chambers in Miami, Florida, this 25th day of January, 2001.

Adalberto Jordan
United States District Judge

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