**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| **BONE CARE INTERNATIONAL LLC and GENZYME CORPORATION,** | ) | **Civil Action No.: 08-cv-1083** |
| ***Plaintiffs,*** | ) | **Honorable Robert M. Dow Jr.** |
| **v.** | ) | **Magistrate Judge Martin C. Ashman** |
| **PENTECH PHARMACEUTICALS, INC.,** | ) | |
| ***Defendant.*** | ) | |

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE PLAINTIFFS' FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Bone Care International LLC and Genzyme Corporation, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 15(a)(2), hereby submit their Unopposed Motion for Leave to File Plaintiffs' First Amended Complaint for Patent Infringement to add Cobrek Pharmaceuticals, Inc. as a defendant. In support of this unopposed motion, Plaintiffs state as follows:

1. Plaintiffs filed their complaint alleging patent infringement on February 21, 2008.

2. Plaintiffs recently learned that defendant Pentech Pharmaceuticals, Inc. ("Pentech") will contribute or has contributed all of its interests in current and future ANDA filings, including ANDA No. 90-040 (the subject of Plaintiffs' infringement claims), to Cobrek Pharmaceuticals, Inc. ("Cobrek").

3. Cobrek is registered in Illinois as a foreign corporation, and has a principal place of business in the Northern District of Illinois.

4. Pentech does not oppose Plaintiffs' motion for leave to file an amended complaint. Moreover, Cobrek, which will be represented by Pentech's counsel, has agreed to jurisdiction and venue in the Northern District of Illinois and has agreed to waive service of process, should the Court grant Plaintiffs' motion.

WHEREFORE, Plaintiffs Bone Care International LLC and Genzyme Corporation respectfully request that the Court grant this Unopposed Motion for Leave to File Plaintiffs' First Amended Complaint For Patent Infringement, and grant plaintiffs leave to file the First Amended Complaint for Patent Infringement, which is attached hereto as Exhibit 1.

Dated: June 12, 2008

Respectfully submitted,

*/s/ Raven Moore*

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2008, I electronically filed the **UNOPPOSED MOTION FOR LEAVE TO FILE PLAINTIFFS' FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT** with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

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