UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIOGEN IDEC INC., BIOGEN IDEC MA, INC., and GENZYME CORPORATION, Plaintiffs, v. THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, Defendant.	CIVIL ACTION No. 04-CV-12009 MLW

DEFENDANT COLUMBIA UNIVERSITY'S MOTION TO DISMISS

[REQUEST FOR ORAL ARGUMENT]

Defendant The Trustees of Columbia University in the City of New York ("Columbia") hereby moves this Court for an order dismissing the complaint of plaintiffs Biogen Idec Inc., Biogen Idec MA, Inc., and Genzyme Corporation on the grounds that the complaint is duplicative, circumvents the procedures for amending and supplementing pleadings under Federal Rule of Civil Procedure 15, and evades the Court's instruction in a telephonic hearing on September 9, 2004, in *In re Columbia University Patent Litigation*, MDL No. 1592 (MLW).

The Motion is based on the concurrently filed Memorandum in Support of Motion to Dismiss, all documents on file with the Court, any other oral or documentary evidence as may be presented at the hearing on this motion, and such other matters of which the Court may properly take judicial notice.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7-1(d), oral argument is hereby requested.

October 1, 2004

Respectfully submitted,

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK

By its attorneys,

_/s/ David I. Gindler_____
David I. Gindler
Irell & Manella LLP

Certificate Of Compliance With Local Rule 7.1

I, David I. Gindler, hereby certify that on October 1, 2004, I conferred in person with counsel for plaintiffs, with respect to the issues raised in this motion, and that counsel were unable to resolve them.

_/s/ David I. Gindler_____
David I. Gindler
Irell & Manella LLP

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[PROPOSED] ORDER

This matter having come before the Court upon the motion of Defendant The Trustees of Columbia University in the City of New York for an order dismissing plaintiffs' complaint, it is hereby ORDERED as follows:

The Motion to Dismiss on grounds that the complaint is duplicative, circumvents the procedures for amending and supplementing pleadings under Federal Rule of Civil Procedure 15, and evades the Court's instruction in a telephonic hearing on September 9, 2004 in *In re Columbia University Patent Litigation*, MDL No. 1592 (MLW), is GRANTED without prejudice.

_____
Honorable Mark L. Wolf
United States District Judge

Boston, Massachusetts

Dated: