

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SMITHKLINE BEECHAM PHARMA-	§
CEUTICALS CO., SMITHKLINE	§
BEECHAM HOLDING CORPORATION,	§ No. 403, 1999
SMITHKLINE BEECHAM CORPORA-	§
TION, and SMITHKLINE BEECHAM	§
BIOLOGICALS, S.A.,	§ Court Below: Court of Chancery
	§ of the State of Delaware in and for
Defendants Below,	§ New Castle County
Appellants,	§
	§
v.	§ C. A. No. 15443
	§
MERCK & CO., INC.,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: February 8, 2000

Decided: February 9, 2000

Before **VEASEY**, Chief Justice, **HARTNETT** and **BERGER**, Justices.

ORDER

The Court has carefully considered the orders and rulings dated September 11, 1997, December 15, 1997, and October 13, 1998, the opinion and order of the Court of Chancery dated August 5, 1999, as clarified by letter dated August 13, 1999, and the briefs and oral arguments of the parties. Based thereon, the Court has determined as follows: to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors

alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; and to the extent the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied.

NOW, THEREFORE, IT IS ORDERED that the foregoing orders and the judgment of the Court of Chancery be, and the same hereby are,

AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice