

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

March 10, 2010

Memo To Counsel Re: Genzyme Corporation v. Sandoz, Inc.
Civil No. JFM-09-1750

Dear Counsel:

I have reviewed the memoranda submitted in connection with Genzyme Corporation's Motion to Dismiss Counts III and IV of Sandoz's Counterclaim for Lack of Subject Matter Jurisdiction (document 42).

I am satisfied that the decision of the Federal Circuit in *Janssen Pharmaceutica, N.V. v. Apotex, Inc.*, 540 F.3d 1353 (Fed. Cir. 2008) is indistinguishable. Accordingly, Genzyme's motion will be granted.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge