

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GLAXOSMITHKLINE CONSUMER
HEALTHCARE, L.P.,

Plaintiff,

v.

MERIX PHARMACEUTICAL CORP.,

Defendant.

CIVIL ACTION NO. 05-898 (DRD)

ORDER

This matter having come before the court upon the motion of Defendant Merix Pharmaceutical Corp. (“Defendant”), by and through its counsel, to dismiss for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b) or, in the alternative, to transfer venue to the Northern District of Illinois pursuant to 28 U.S.C. § 1404(a), and the motion of Plaintiff Glaxosmithkline Consumer Healthcare (“Plaintiff”) to enjoin the lawsuit filed by Defendant in the Northern District of Illinois, No. 05-CV-01403 (the “Illinois Action”); and notice having been given to all parties, in consideration of the parties’ submissions and the arguments of counsel, for good cause shown, and for the reasons set forth in the court’s opinion of even date; _____ IT IS, on this 10th day of May, 2005, ORDERED that Defendant’s motion to dismiss or transfer is DENIED, Plaintiff’s motion to enjoin the Illinois Action is DENIED.

/s/ Dickinson R. Debevoise
Dickinson R. Debevoise, U.S.S.D.J.