

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

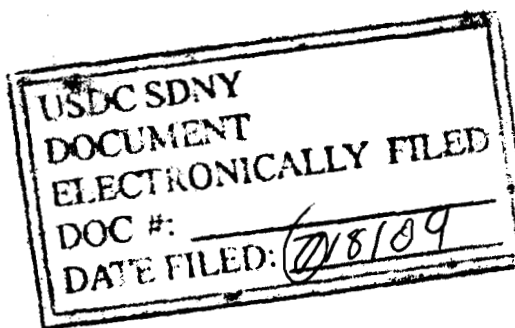
MERCK EPROVA AG and
MERCK KGaA

Plaintiffs,

-vs.-

PROTHERA, INC.,

Defendant.



08 CV 00035 (RMB)(JCF)

~~PROPOSED~~ ORDER

Upon the application of Plaintiffs Merck Eprova AG and Merck KGaA (collectively "Merck") to replace the original letter posted as Docket Entry No. 35 with a redacted version of the same,

(subject to review of redactions by J. Francis)

IT IS HEREBY ORDERED that Plaintiffs' application is GRANTED Current Docket Entry No. 35, *i.e.*, Plaintiffs' May 22, 2009 letter which was thereafter endorsed by the Court, shall be removed from the docket for this action and replaced with Plaintiffs' redacted version of the May 22, 2009 letter. The original letter shall be maintained under seal by the Clerk of the Court, *subject to Magistrate Judge Francis review + determination.*

Dated: New York, New York

6/8, 2009

A handwritten signature in black ink, appearing to read "RMB".

HON. RICHARD M. BERMAN, U.S.D.J.