

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| SHIONOGI IRELAND, LTD. (f/k/a SCIELE PHARMA IRELAND, LTD.), | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| UNITED RESEARCH LABORATORIES, INC., | : | NO. 11-2861 |
| | : | |
| Defendant. | : | |

ORDER

AND NOW, this 16th day of *August*, 2011, upon consideration of Plaintiff Shionogi Ireland, Ltd.'s Motion to Dismiss Defendant United Research Laboratories, Inc.'s Counterclaims (Docket No. 9); Defendant's Response in Opposition (Docket No. 12); and Plaintiff's Reply Brief (Docket No. 15); it is hereby **ORDERED** as follows:

1. Plaintiff's Motion to Dismiss Defendant's First Counterclaim (Breach of Contract) is **GRANTED**. Defendant's Counterclaim for Breach of Contract is **DISMISSED**.
2. Plaintiff's Motion to Dismiss Defendant's Second Counterclaim (Breach of the Implied Covenant of Good Faith and Fair Dealing) is **DENIED**.
3. Plaintiff's Motion to Dismiss Defendant's Third Counterclaim (Declaratory Relief) is **DENIED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.