

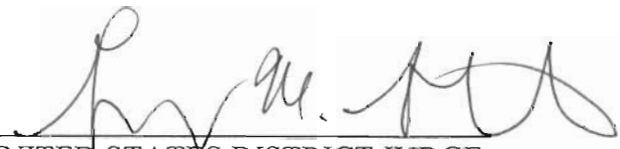
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
MERCK & CO., INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-230 (GMS)
	)	
APOTEX, INC.,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

The court has determined that it will grant Merck's motion to dismiss for lack of subject matter jurisdiction in light of Merck's covenant not to sue Apotex. (D.I. 15.) A memorandum and order will follow at the court's earliest convenience.

Dated: April 10, 2007

  
UNITED STATES DISTRICT JUDGE

