

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
COBALT LABORATORIES INC., and)	
COBALT PHARMACEUTICALS, INC.,)	
)	
Plaintiffs,)	Case No. 1:08-CV-00798 (RBW)
v.)	
)	
FOOD AND DRUG ADMINISTRATION,)	
MICHAEL O. LEAVITT)	
Secretary of Health and Human Services, and)	
ANDREW C. VON ESCHENBACH, M.D.)	
Commissioner of Food and Drugs,)	
)	
Defendants.)	
_____)	

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(A)(i), FED. R. CIV. P., Plaintiffs Cobalt Laboratories Inc. and Cobalt Pharmaceuticals, Inc. hereby voluntarily dismiss the above-captioned action against the Food and Drug Administration, Michael O. Leavitt, and Andrew C. Von Eschenbach without prejudice.

Dated: May 16, 2008.

Respectfully submitted,

COBALT LABORATORIES INC. and
COBALT PHARMACEUTICALS, INC.

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