

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TRIANTAFYLLOS TAFAS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:07cv846(L) (JCC/TRJ)
)	
JON W. DUDAS, et al.,)	
)	
Defendants.)	
_____)	

CONSOLIDATED WITH

SMITHKLINE BEECHAM CORP.,)	
d/b/a GLAXOSMITHKLINE, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No. 1:07cv1008 (JCC/TRJ)
v.)	
)	
JON W. DUDAS, et al.,)	
)	
Defendants.)	
_____)	

DEFENDANTS’ MOTION TO STRIKE

Defendants Jon W. Dudas and the United States Patent and Trademark Office (collectively “the USPTO”) respectfully move this Court for an Order striking certain exhibits filed by Plaintiff Triantafyllos Tafas, *Amici* Polestar Capital and Norseman Group, and *Amicus Curiae* Ron D. Katznelson in connection with summary judgment briefing that are outside the administrative record, along with the portions of their briefs that rely on those extra-record exhibits. At the present time,¹ the offending exhibits include:

¹ The USPTO requests that the Court construe this motion as a standing objection to any attempts by the plaintiffs to introduce extra-record materials in later summary judgment briefing.

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United States Patent and Trademark Office

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ORDER

For the reasons set forth in the Memorandum in Support of Defendants’ Motion to Strike and this Court’s Memorandum Opinion of January 9, 2008, it is hereby

ORDERED that all exhibits filed by the plaintiffs or *amici* in support of the plaintiffs’ claims under the Administrative Procedure Act, 5 U.S.C. § 706(2), and/or the Regulatory Flexibility Act, 5 U.S.C. §§ 601-612, that are not contained in the certified administrative record are STRICKEN.

And it is further ORDERED that all parts of the briefs referencing those extra-record materials are STRICKEN.

Dated: _____

Hon. James C. Cacheris
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2008, I electronically filed the foregoing, with attachments, with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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