





) the FDA impermissibly granted a certain company approval to distribute and market an animal feed additive (a strain of Bacitracin) for which only Alpharma had such approval. A responsive pleading from the FDA is due presently on July 14, 2003.

3. The FDA is currently in the process of preparing a Federal Register notice that will address the issue raised by the instant action. The notice is expected to be published within the next 30 days.

4. Given that this agency action may alter the positions of the parties and will impact the disposition of the case, the FDA requests an extension of time until August 13, 2003 to complete preparation of its responsive pleading in a substance and form suitable for submission to the Court.

5. Plaintiff does not consent to the proposed extension.

6. This motion is not made for purposes of delay.

WHEREFORE, it is respectfully requested that this Honorable Court grant leave for the Defendant to file its responsive pleading

) in the instant case on August 13, 2003.

Respectfully submitted,

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/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of July, 2003, one copy of the foregoing Motion for Enlargement of Time was electronically filed and mailed, postage prepaid, to Douglas J. Beher, Keller and Heckman, LLP, 1001 G Street, N.W., Washington, D.C. 20001.

/s/  
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