

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SCHERING-PLOUGH HEALTHCARE)	
PRODUCTS, INC.,)	
)	C.A. No. 09-268-SLR
Plaintiff,)	
)	
v.)	
)	
NEUTROGENA CORPORATION,)	
)	
Defendant.)	

DEFENDANT'S MOTION FOR A PRELIMINARY INJUNCTION

Defendant-counterclaimant Neutrogena Corporation hereby moves this Court for a preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure:

1. Enjoining plaintiff Schering-Plough Healthcare Products, Inc. (“Schering”) from continuing to broadcast and/or disseminate the advertising materials annexed to the answer and counterclaims as Exhibit C, or any other advertising materials stating or communicating the false claims that (i) Coppertone Sport sprays provide better sun protection than Neutrogena Ultimate Sport sprays, or (ii) 28% of what Neutrogena Ultimate Sport spray users spray on themselves is chemical propellant.

2. Directing Schering to broadcast and disseminate corrective advertising advising consumers that (i) Coppertone Sport sprays do not provide better sun protection than Neutrogena Ultimate Sport sprays, and (ii) Neutrogena Ultimate Sport spray users do not cover themselves with chemical propellant.

The grounds for this motion are set forth in the accompanying opening brief and in the supporting declarations of Yohini Appa, Stephanie Guggenheim and Joseph Ridgway.

ASHBY & GEDDES

/s/ Tiffany Geyer Lydon

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