

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	
INTROGEN THERAPEUTICS, INC.,	§	CASE NO. 08-12442-FRM
INTROGEN TECHNICAL SERVICES, INC.,	§	CASE NO. 08-12443-FRM
TMX REALTY CORPORATION,	§	CASE NO. 08-12444-FRM
	§	CHAPTER 11
DEBTORS	§	
	§	<i>JOINTLY ADMINISTERED UNDER</i>
301 CONGRESS AVENUE, SUITE 1850	§	CASE NO. 08-12442-FRM
AUSTIN, TEXAS 78701	§	
	§	
TAXPAYER IDENTIFICATION NOS.:	§	
74-2704230, 35-2340711, 74-2896565	§	

REQUEST FOR HEARING ON SALE MOTIONS

TO THE HONORABLE FRANK R. MONROE, UNITED STATES BANKRUPTCY JUDGE:

COME NOW Introgen Therapeutics, Inc., Introgen Technical Services, Inc., and TMX Realty Corporation (collectively, the “Debtors”), and hereby file this Request for Hearing on their (i) Motion for an Order (1) Authorizing and Scheduling Public Auction for the Sale of Certain Patent Assets of the Debtors Free and Clear of all Liens Claims and Encumbrances, and (2) Approving Bid Procedures and the Form and Manner of Notice Thereof, and (ii) Motion for an Order (I) Authorizing and Scheduling Public Auction for the Sale of Certain Assets of the Debtors Free and Clear of All Liens Claims, and Encumbrances, and (II) Approving Bid Procedures and the Form and Manner of Notice Thereof, and in support thereof, would respectfully show the Court as follows:

1. On December 3, 2008, the Debtors filed their voluntary Chapter 11 petitions (the “Petition Date”) in the above-styled and numbered bankruptcy cases (the “Bankruptcy Cases”). The Debtors are acting as Debtors-in-Possession and continue to operate and manage their businesses

pursuant to Bankruptcy Code §§ 1107(a) and 1108. No official committees have been established in these cases.

2. On December 4, 2008, Debtors filed their: (1) Motion for an Order (i) Authorizing and Scheduling Public Auction for the Sale of Certain Patent Assets of the Debtors Free and Clear of all Liens Claims and Encumbrances, and (ii) Approving Bid Procedures and the Form and Manner of Notice Thereof; and (2) Motion for an Order (i) Authorizing and Scheduling Public Auction for the Sale of Certain Assets of the Debtors Free and Clear of All Liens Claims, and Encumbrances, and (ii) Approving Bid Procedures and the Form and Manner of Notice Thereof (collectively, the “Sale Motions”).

3. On January 18, 2009, creditor Westat filed objections to each of the Sale Motions. To date no hearing has been set on the Sale Motions or the objections thereto. The Debtors request that a hearing be set on the Sales Motions at the Court’s convenience on or before February 16, 2009. The Debtors need to have bid procedures and notice procedures in place in order to secure bids for its manufacturing and intellectual property assets. It is anticipated that the Debtors will file and seek approval of a sale of assets during March of 2009. Thus, a hearing on the bid procedures in mid-February will provide ample notice of the procedures to all creditors and parties in interest prior to the filing of any sale motion. Under the circumstances described herein, the Debtors respectfully request that the Court set a hearing on the Sale Motions.

WHEREFORE, the Debtors pray that this Court grant their Request for Hearing, and grant the Debtors such other and further relief to which they may show themselves to be justly entitled.

Respectfully submitted,

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By: /s/ Kell C. Mercer
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Kell C. Mercer
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ATTORNEYS FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2009, a true and correct copy of the foregoing pleading was served, via the Court's CM/ECF notification system and/or regular first class mail, on the parties set forth on the attached Service List.

/s/ Kell C. Mercer
Kell C. Mercer