EXHIBIT 1

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***Vanderbilt University v. ICOS Corporation*, Civil Action No. 05-506-SLR**

Joint Statement of Uncontested Facts

THE PARTIES

1. Vanderbilt University ("Vanderbilt") is a Tennessee not-for-profit corporation with its principal place of business in Nashville, Tennessee.

2. ICOS Corporation ("ICOS") is a Delaware corporation with its principal place of business in Bothell, Washington.

3. On January 29, 2007, Eli Lilly and Company, an Indiana corporation with its principal place of business in Indianapolis, Indiana, acquired ICOS as a wholly-owned subsidiary.

THE PATENTS-AT-ISSUE

4. On January 21, 1994, Laboratoires Glaxo S.A. in Les Ulis, France, filed a patent application in the U.K. Patent Office entitled "Tetracyclic Derivatives; Process of Preparation and Use" ("Dr. Daugan's first U.K. application") on behalf of Dr. Alain Daugan, a medicinal chemist working for Glaxo in Les Ulis. The PCT application published July 27, 1995.

5. On July 14, 1995, Laboratoires Glaxo S.A. filed a second patent application in the U.K. Patent Office, entitled "Use of cGMP-Phosphodiesterase Inhibitors to Treat Impotence" ("Dr. Daugan's second U.K. application"), on behalf of Dr. Daugan. The PCT application published February 6, 1997.

6. In 1998, ICOS and Eli Lilly and Company ("Eli Lilly") established Lilly ICOS LLC to develop and globally commercialize tadalafil (one of the compounds encompassed by certain claims in the Patents-at-Issue, which is the active ingredient in the composition sold in

the U.S. as Cialis®) as an oral therapeutic agent for the treatment of impotence and other potential indications.

7. On January 12, 1999, the United States Patent and Trademark Office issued U.S. Patent No. 5,859,006 ("the '006 Patent"), which claims priority to Dr. Daugan's first U.K. application, to Dr. Daugan.

8. On October 31, 2000, the United States Patent and Trademark Office issued U.S. Patent No. 6,140,329 ("the '329 Patent"), which claims priority to Dr. Daugan's second U.K. application, to Dr. Daugan.

CLAIM CONSTRUCTION

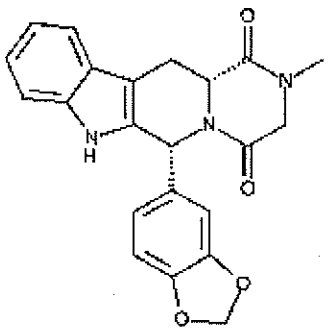
9. For the purposes of this action, claims 1-4, 6-8, 10, 12 and 13 of the '006 patent encompass at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-, (6R-12aR)-;

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl] pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione; and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione

and has the following structural formula:



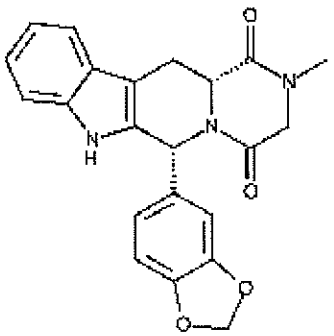
10. Claims 1-3, 5-12, and 15-21 of the '329 patent encompass compositions and methods of treating erectile dysfunction in a male animal involving the administration of at least the compound known as tadalafil, which has at least the following chemical names:

(1) pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione, 6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-, (6R-12aR)-;

(2) (6R,12aR)-2,3,6,7,12,12a-hexahydro-2-methyl-6-[3,4-(methylenedioxy)phenyl] pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione; and

(3) (6R-trans)-6-(1,3-benzodioxol-5-yl)-2,3,6,7,12,12a-hexahydro-2-methyl-pyrazino[1',2':1,6]pyrido[3,4-b]indole-1,4-dione

and has the following structural formula:



THE VANDERBILT SCIENTISTS

11. Drs. Jackie Corbin, Sharron Francis, and Sekhar Konjeti are, and have been at all times relevant to this case, employees of Vanderbilt University.

THE GLAXO RESEARCH AGREEMENTS

12. In 1989, Glaxo established a "Cardiovascular Discovery Grant" program through which it made research grants to various institutions involved in research relating to the prevention and treatment of cardiovascular disease.

13. Dr. Corbin applied for and was awarded a three-year research grant from Glaxo, which was memorialized in a July 1, 1989 Research Agreement. The scope of the research to be conducted by Dr. Corbin and his colleagues under the grant was described in the Research

Agreement and attachments thereto. The Research Agreement required, among other things, that Dr. Corbin report the results of his research conducted under the grant to Glaxo on a regular basis..

14. In 1989, the administration of the Glaxo Cardiovascular Discovery Grant program was based in Research Triangle Park, North Carolina.

15. In October 1990, Glaxo transferred responsibility for the Glaxo Cardiovascular Discovery Grant program to Glaxo Group Research, Ltd. in Middlesex, United Kingdom.

16. On or about July 1, 1992, Dr. Corbin entered into a new research agreement with Glaxo Group Research, Ltd. The scope of the research to be conducted by Dr. Corbin and his colleagues under the grant was described in the 1992 Research Agreement and attachments thereto. The 1992 Research Agreement required Dr. Corbin to report the results of his research conducted under the grant to Glaxo on a regular basis.

GLAXO'S PDE-5 INHIBITOR PROJECT

17. The enzyme commonly referred to as "Phosphodiesterase V," "PDE-5," "PDE-V," and "cGMP specific PDE," breaks down the compound known as "Cyclic GMP" or "cGMP."

18. In 1991, Glaxo initiated a project to develop compounds that could be used to treat hypertension and other cardiovascular diseases through their action in inhibiting PDE-5.

19. Glaxo's "PDE-5 project" was originally conducted at Glaxo's research facility in Research Triangle Park, North Carolina.

20. In mid-1991, Glaxo moved its "PDE-5 project" to the Laboratoires Glaxo S.A. research facility in Les Ulis, France.

21. Dr. Francois Hyafil was the site director of the Glaxo research facility in Les Ulis at all times relevant to the issues in this case.

22. In the Summer of 1992, Dr. Alain Daugan began work on the "PDE-5 project" in Les Ulis.

CONCEPTION OF THE INVENTIONS CLAIMED IN THE PATENTS-AT-ISSUE

23. The compounds described and claimed in the '006 Patent-at-Issue were conceived prior to January 21, 1994 (the date on which Dr. Daugan's first U.K. application was filed).

24. The compound designated GF196960X (now known as tadalafil and the active ingredient in the composition sold in the U.S. as Cialis®) is described and claimed in the Patents-at-Issue.

25. The methods and compositions described and claimed in the '329 Patent were conceived no later than July 14, 1995 (the date on which Dr. Daugan's second U.K. application was filed).