IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY, Plaintiff, v. NOVA CHEMICALS CORPORATION (CANADA) and NOVA CHEMICALS INC. (DELAWARE), Defendants.	)	C.A. No. 05-737 (JJF) **PUBLIC VERSION**

DECLARATION OF MARK JOHNSON IN SUPPORT OF DOW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL

I, Mark Johnson, being first duly sworn, do declare and state as follows:

1. I am, and was in 2003, a Senior Intellectual Capital Management Leader employed by The Dow Chemical Company. Since 1996, one of my key responsibilities is the management and coordination of efforts conducted by Dow at the request of attorneys in connection with litigation and anticipation of litigation involving defending and enforcing Dow's patents.

2. In April, 2003, Nova released commercial grades of its SURPASS resins. REDACTED

REDACTED

REDACTED

3. REDACTED

REDACTED

REDACTED Attached to my Declaration is the unredacted version of Document #2335, REDACTED

REDACTED

REDACTED Mr. Fordyce responded on September 5. REDACTED

REDACTED

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 28, 2008

Mark Johnson

CERTIFICATE OF SERVICE

I, Rodger D. Smith II, hereby certify that on September 5, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horwitz
rhorwitz@potteranderson.com

I also certify that copies were caused to be served on September 5, 2008, upon the following in the manner indicated:

BY EMAIL

Richard L. Horwitz
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/s/ Rodger D. Smith II
Rodger D. Smith II (#3778)