UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED, Plaintiff, v. ABRAXIS BIOSCIENCE, INC., Defendant.	Case No.06-438-GMS **REDACTED - PUBLIC VERSION**

DECLARATION OF DIANA B. KRUZE IN SUPPORT OF DEFENDANT ABRAXIS BIOSCIENCE, INC.'S MOTION TO COMPEL PRODUCTION OF WITHHELD AND/OR UNREDACTED VERSIONS OF DOCUMENTS CREATED BY OR FOR THIRD PARTIES

I, Diana B. Kruze, declare as follows:

1. I am an attorney admitted to practice in the State of California, and I am admitted *pro hac vice* in the above-captioned action. I am an associate with the law firm of Morrison & Foerster LLP, attorneys for Abraxis BioScience, Inc. ("Abraxis") in the above captioned action. I submit this declaration in support of Abraxis's Motion to Compel Production of Withheld and/or Redacted Versions of Documents Created By or For Third Parties. I have personal knowledge of the matters set forth herein, and if called upon to do so, I could and would competently testify thereto.

2. Attached hereto as Exhibit A are two charts that I prepared summarizing the recorded chain of title for U.S. Patent Nos. 5,399,363 and 5,834,025.

[redacted]

4. Attached hereto as Exhibit C is a true and correct copy of an article authored by Milt Freudenheim, entitled "*Sanofi to Get Part of Kodak Drug Unit*," and appearing at N.Y. TIMES, June 24, 1994, at D1.

5. Attached hereto as Exhibit D is a true and correct copy of document from Sterling Winthrop and Eastman Kodak, redacted by Elan on privilege grounds, and produced by Elan in this litigation with bates numbers ELANP0126604-7.

6. Attached hereto as Exhibit E is a true and correct copy of Plaintiff Elan Pharma International Limited's Fourth Amended Answers and Objections to Defendant Abraxis's Second Set of Interrogatories (Nos. 2-9), dated June 8, 2007.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Diana B. Kruze

CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on August 15, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on August 15, 2007, I caused a true and correct copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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EXHIBIT A

Exhibit "A"

Elan Pharma International Ltd. Vs. Abraxis BioScience, Inc.

Charts Summarizing the Recorded Chain of Title for the Patents-In-Suit

The following is a summary of the recorded chain of title for U.S. Patent No. 5,399,363:

Execution Date	**Effective Date**	**Recorded Date**	**Assignor**	**Assignee**
07/01/1992	n/a	07/01/1992	Liversidge et al.	Sterling Winthrop
01/22/1996	12/21/1995	02/20/1996	Eastman Kodak Company	Particulate Prospects Corp.
01/22/1996 and 02/08/1996	2/21/1995	12/03/2001	Particulate Prospects Corp.	NanoSystems, LLC
10/01/1998	n/a	08/15/2001	Eastman Kodak and NanoSystems, LLC	Elan Corporation, PLC
10/01/1998	n/a	08/15/2001	Elan Corporation, PLC	Plaintiff Elan Pharma International, Ltd.

Exhibit "A"

Elan Pharma International Ltd. Vs. Abraxis BioScience, Inc.

Charts Summarizing the Recorded Chain of Title for the Patents-In-Suit

The following is a summary of the recorded chain of title for U.S. Patent No. 5,834,025:

Execution Date	**Effective Date**	**Recorded Date**	**Assignor**	**Assignee**
09/27/1995	n/a	06/16/2006	Liversidge et al.	Eastman Kodak Company
01/22/1996 and 01/23/1996	12/21/1995	06/16/2006	Eastman Kodak Company	Particulate Prospects Corp.
01/22/1996 and 02/08/1996	12/21/1995	06/16/2006	Particulate Prospects Corp.	NanoSystems, LLC
10/22/2002	10/01/1998	06/16/2006	NanoSystems, LLC	Elan Corporation, PLC
10/01/1998	n/a	06/28/2006	Elan Corporation, PLC	Plaintiff Elan Pharma International, Ltd.

EXHIBIT B

REDACTED IN ITS ENTIRETY

EXHIBIT C

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June 24, 1994, Friday, Late Edition - Final

SECTION: Section D; Page 1; Column 3; Financial Desk

LENGTH: 740 words

HEADLINE: COMPANY NEWS;
Sanofi to Get Part of Kodak Drug Unit

BYLINE: By MILT FREUDENHEIM

BODY:

Taking a long stride on its way out of the drug business, Eastman Kodak said yesterday that the Sanofi Group, a French pharmaceutical company, had agreed to buy the prescription drug business of Sterling Winthrop, a Kodak subsidiary, for $1.68 billion.

The deal opens the way for a second big sale by Kodak because Sanofi relinquished its minority interest in the over-the-counter drug business of Sterling. Analysts valued the interest at $150 million, raising the value of the deal to $1.83 billion.

Bayer A.G., the German pharmaceutical company, has said it is interested in buying the over-the-counter unit, which includes the United States franchise for Bayer aspirin, as well as Panadol, an acetaminophen analgesic, which competes overseas with Johnson & Johnson's Tylenol. Kodak, based in Rochester, had said last month that it planned to sell its drug, diagnostic and household products divisions.

Some analysts said Kodak, through these sales, had a good chance of eventually making up the $5.1 billion it paid for Sterling in 1988, albeit at lower profits than could have been earned by simply investing in bonds.

Shares of Eastman Kodak rose 75 cents yesterday, closing at $47.50 on the New York Stock Exchange.

Samuel D. Isaly, an analyst with Mehta & Isaly Worldwide Drug Research, said the announcement was "very good for Sanofi and very good for Kodak." He said Kodak might get $2 billion for the over-the-counter drug business, which had about $1 billion in sales last year.

As it strips down to its core imaging businesses, Kodak could receive $1 billion to $2 billion more from the sale of its household products and clinical diagnostics units, analysts said. Kodak is also keeping a new $350 million research building in New Jersey, which will be leased to Sanofi.

"When the divestitures are complete, Kodak will be entirely focused on imaging," said George M. C. Fisher, the company's chairman and chief executive.

Paul McAfee, a spokesman for Kodak, said "active discussions" were under way with prospective buyers for several of the company's units. Kodak plans to use part of the proceeds to pay down $7.1 billion in debt, most of which went toward financing the 1988 Sterling purchase.

In the deal, Sanofi will get Sterling Winthrop products that had $1.2 billion in 1993 sales, as well as a United States sales force for its own drugs. Sanofi and Sterling formed a worldwide marketing alliance three years ago, and Sanofi had first rights to buy the drug units.

Largely because of that alliance, "this was the hardest piece for Kodak to sell," said Brenda Lee Landry, an analyst with Morgan Stanley.

Eugene G. Glazer, an analyst with Dean Witter Reynolds, noted that if Sanofi had not bought the unit, a deal "would have been complicated for somebody else."

Through licensing arrangements, Sanofi has granted United States marketing rights for its drugs to companies including Syntex Inc., Abbott Laboratories and Sandoz Ltd. Last year, Sanofi received about $80 million in royalties on $500 million in American sales of its products, which include Ticlid, a stroke preventive, and Deprenyl for Parkinson's disease.

"It is important for me to be in the United States," said Jean-Francois Dehecq, chairman of Sanofi, in a telephone interview from Paris. "Sterling is just the right size for us."

The French company is preparing to introduce a number of new drugs. It is spending $300 million on research this year, or about 15 percent of its $2 billion in worldwide drug sales, and hopes to get Federal regulatory approval for new treatments for osteoporosis and cancer in 1996 and 1997.

Mr. Isaly said the price for the Sterling unit was "broadly in line" with the $5 billion Roche Holdings agreed last month to pay for Syntex. He said Sterling Winthrop had about $70 million in after-tax profits on the $1.2 billion in 1993 sales. He projected that Syntex would have net income of $325 million on sales of $1.94 billion in the fiscal year ending next month.

With the Sterling unit, Sanofi will be among the 20 largest drug companies in the world and the 10 largest in Europe.

Mr. Dehecq said the company planned to concentrate on human health products and would divest units that produce seeds, Entremont cheeses and drugs for animals.

The company plans to keep its perfume division, which includes the Yves Saint Laurent line. The Sanofi Group had $4.15 billion in 1993 sales.

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EXHIBITS D-E

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