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August 23, 2007

Ms. Marie McDavid
Case Manager
United States District Court
844 North Kind Street
Wilmington, DE 19801

RE: *Elan Pharma International Limited v. Abraxis Bioscience, Inc.*,
C.A. No. 06-438-GMS

Dear Ms. McDavid:

Early this morning, we filed under seal the Declaration of Linda M. Glover in Support of Plaintiff Elan Pharma International Limited's Answering Brief to Defendant Abraxis Bioscience, Inc.'s Motion to Compel Production of Withheld and/or Unredacted Versions of Documents Created by or for Third Parties (D.I. 286), and inadvertently included an incorrect version of the document that was attached to the Glover Declaration as Exhibit B. To correct that error, I enclose the correct version of Exhibit B to D.I. 286, and would appreciate it if you would please substitute it in place of the incorrect version that was originally submitted to the Court.

Thank you for your assistance with this matter, and my apologies for the inconvenience.

Very truly yours,

John G. Day

John G. Day (I.D. #2403)

JGD: nml
Enclosure
183512.1

c: Josy W. Ingersoll, Esquire (by hand and via electronic filing)
William J. Sipio, Esquire (via electronic filing)
Steven Scheve, Esquire (via electronic filing)
Paul F. Fehlner, Esquire (via electronic filing)
Michael A. Jacobs, Esquire (via electronic filing)
Emily A. Evans, Esquire (via electronic filing)

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED,	§	
Plaintiff,	§	
v.	§	Case No. 06-438-GMS
ABRAXIS BIOSCIENCE, INC.,	§	
Defendant.	§	

DECLARATION OF DAVID CZEKAI IN SUPPORT OF PLAINTIFF ELAN PHARMA INTERNATIONAL LIMITED'S ANSWERING BRIEF TO DEFENDANT ABRAXIS BIOSCIENCE, INC.'S MOTION TO COMPEL PRODUCTION OF WITHHELD AND/OR UNREDACTED VERSIONS OF DOCUMENTS CREATED BY OR FOR THIRD PARTIES

I, David Czekai, declare and affirm under penalty of perjury subject to 28 U.S.C. Section 1746 as follows:

1. I am employed by Elan Drug Delivery Inc., an affiliate of Elan Pharma International Ltd., ("Elan") as Vice President and General Manager. I have been employed by Elan since August 21, 1998. Prior to that date, I was employed by Nanosystems L.L.C. ("Nanosystems"). In my capacity as General Manager, I have access to and an understanding of relevant facts and information relating to, among other things, the history of certain corporate transactions and relationships involving Elan, Nanosystems, and other related or predecessor companies to Elan and/or Nanosystems.

2. I make the instant Declaration on information and belief, based upon my personal knowledge and my due and reasonable inquiry into the corporate records of Elan, Nanosystems, and other related or predecessor companies to Elan and/or Nanosystems.

3. Prior to its purchase by Elan, Nanosystems was a subsidiary of Eastman Kodak. Three other subsidiaries of Eastman Kodak Sterling Drug, Sterling Winthrop, Inc., and Particulate Prospects, Inc., were thus sister companies or affiliates of Nanosystems by virtue of their common ownership by Eastman Kodak.

4. Each of these Eastman Kodak subsidiaries were involved to some extent in the preparation and delivery of stable nanoparticulate formulations for use in the pharmaceutical and drug industry.

5. As these Eastman Kodak subsidiaries were involved in similar enterprises they often shared certain proprietary and/or secret documents and information of Eastman Kodak and/or of the respective subsidiaries, and specifically, secret documents or communications containing or reflecting legal advice and/or the mental impressions of legal counsel for one or more of Eastman Kodak or the respective subsidiaries, with all such secret legal documents or communications remaining under the common ownership of Eastman Kodak. Such secret legal documents or communication were not, however, shared with or revealed to third parties outside of Eastman Kodak and/or the subsidiaries, other than for purposes of obtaining legal advice and/or possibly for pursuing on terms of confidentiality a common legal interest shared with another party.

6. The primary focus of Nanosystems' business was the preparation and delivery of stable nanoparticulate formulations for use in the pharmaceutical and drug industry.

7. Like Nanosystems, Elan's business has been, and continues to be, the preparation and delivery of stable nanoparticulate formulations for use in the pharmaceutical and drug industry.

8. Elan has continued the research and business operations initiated by Nanosystems or its affiliate companies, and activities similar to those conducted by Nanosystems occur in some of the same laboratories originally used by Nanosystems.

9. Following Elan's acquisition of Nanosystems, at least the majority of Nanosystems' personnel continued to work at Elan. Even today, a substantial number of former Nanosystems employees continue to work at Elan.

FURTHER DECLARANT SAYETH NOT.

David Czekai

Dated: 23-AUG-2007