IN THE 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 PAUL F. FEHLNER IN SUPPORT OF PLAINTIFF ELAN PHARMA INTERNATIONAL LIMITED'S OPPOSITION TO ABRAXIS'S MOTION IN LIMINE NO. 1 TO STRIKE PORTIONS OF ELAN EXPERT HARRY BRITTAIN'S EXPERT REPORT REGARDING TESTING OF ABRAXANE AND TO BAR RELATED TESTIMONY AND ARGUMENT

I, Paul F. Fehlner, hereby declare as follows under penalty of perjury pursuant to 28 U.S.C. Section 1746:

1. I am an attorney licensed to practice in the State of New York, and I am admitted *pro hac vice* to practice in Cause No. 06-438-GMS; *Elan Pharma International v. Abraxis BioScience, Inc.*; In the United States District Court; District of Delaware ("*Elan v. Abraxis*"). I am a partner with the law firm of Baker Botts L.L.P. and counsel of record for Elan Pharma International Limited. I submit this Declaration in Support of Elan Pharma International Limited's Opposition to Abraxis's Motion In Limine No. 1 To Strike Portions Of Elan Expert Harry Brittain's Expert Report Regarding Testing Of Abraxane And to Bar Related Testimony And Argument. 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 1 is a true and correct copy of selected portions of the

deposition transcript of Harry G. Brittain.

3. Attached hereto as Exhibit 2 is a true and correct copy of selected portions of the Rebuttal Expert Report of Jerry L. Atwood.

4. Attached hereto as Exhibit 3 is a true and correct copy of Micron testing notebooks.

5. Attached hereto as Exhibit 4 is a true and correct copy of selected portions of the deposition transcript of Cory Berkland, Ph.D.

Pursuant to 28 U.S.C. Section 1746, I hereby affirm and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

FURTHER DECLARANT SAYETH NOT.

Executed this 3rd day of April 2008 in New York, New York.



Paul F. Fehlner

EXHIBITS 1 – 4

REDACTED IN THEIR ENTIRETY

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2008, the attached **REDACTED PUBLIC VERSION OF DECLARATION OF PAUL F. FEHLNER IN SUPPORT OF PLAINTIFF ELAN PHARMA INTERNATIONAL LIMITED'S OPPOSITION TO ABRAXIS'S MOTION IN LIMINE NO. 1 TO STRIKE PORTIONS OF ELAN EXPERT HARRY BRITTAIN'S EXPERT REPORT REGARDING TESTING OF ABRAXANE AND TO BAR RELATED TESTIMONY AND ARGUMENT** was served upon the below-named counsel of record at the addresses and in the manner indicated:

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/s/ John G. Day

John G. Day

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