IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

PROPOSED JOINT PRE-TRIAL ORDER

Volume I of II

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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Plaintiff,	§	
vi.	§	Case No. 06-438-GMS
ABRAXIS BIOSCIENCE, INC.,	§	
Defendant.	§	

PROPOSED JOINT PRE-TRIAL ORDER

This matter coming before the Court at a pretrial conference to be held on May 5, 2008 pursuant to Fed. R. Civ. P. ("Rule") 16 and Steven Balick, John G. Day, and Lauren E. Maguire of Ashby & Geddes, 222 Delaware Avenue, 17th Floor, P.O. Box 1150, Wilmington, Delaware 19899, (302) 654-1888, Stephen E. Scheve, Linda Glover, and Robert Riddle of Baker Botts LLP, One Shell Plaza, 910 Louisiana, Houston, Texas 77002-4995, (713) 229-1234, Paul F. Fehlner, Jeffrey D. Sullivan, and Lisa A. Chiarini of Baker Botts LLP, 30 Rockefeller Plaza, New York, New York 10112-4498, (212) 408-2500, William J. Sipio, 1375 Brentwood Road, Yardley, PA 1906, (215) 801-3625 having appeared as counsel for plaintiff Elan Pharma International Limited ("Elan") and Josy W. Ingersoll, Elena C. Norman, Karen E. Keller, Michele Sherretta Budicak, and Jeffrey T. Castellano of Young Conway Stargatt & Taylor, LLP, The Brandywine Building, 1000 West Street, 17th Floor, Wilmington, Delaware 19801, (302) 571-6672, Michael A. Jacobs of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, (415) 268-7000, Emily A. Evans, Eric S. Walters, Erik J. Olson, Paul F. Coyne, and Diana B. Kruze of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California, 94304-1018, (650) 813-5600, and Anders T. Aannestad of Morrison & Foerster LLP,

12531 High Bluff Drive, San Diego, California 92130, (858) 720-5100, having appeared as counsel for defendant Abraxis BioScience Inc., ("Abraxis"), the following actions were taken:

(1) This is an action by Elan for patent infringement, including a claim for willful infringement, and the jurisdiction of the court is invoked under 28 U.S.C. §§ 1331 and 1338. Abraxis has filed counterclaims for declaratory judgment of noninfringement, invalidity, and unenforceability. Jurisdiction is not disputed. Elan seeks damages adequate to compensate for alleged infringement of the '363 Patent but in no event less than a reasonable royalty,[1] together with prejudgment and post-judgment interest and costs. Elan does not seek injunctive relief. In the event liability is found, Elan will seek treble damages and attorneys' fees. In the event liability is not found, Abraxis will seek its costs and its attorneys' fees under 35 U.S.C. § 285.

Addendum A contains procedural stipulations by the parties and is attached hereto.

(2) The following stipulations and statements were submitted and are attached to and made a part of this Order.

(a) A comprehensive stipulation or statement of all uncontested facts, which will become a part of the evidentiary record in the case, and which may be read to the jury by the court or any party, is attached as Exhibit 1.

(b)(i) Plaintiff's statement of the contested issues of fact and law is attached as Exhibit 2.

(b)(ii) Defendant's statement of the contested issues of fact and law is attached as Exhibit 3.

[1] *See* Addendum B.

(c) List of exhibits, except for rebuttal exhibits, in the form required by the Court, is attached as follows:

1. The parties' consolidated exhibit list is attached as Exhibit 4. Where an exhibit appeared on both parties' exhibit lists, it is marked as "JX" (Joint exhibit). The marking of an exhibit as "JX" will not preclude either party from objecting to its admission as evidence or to its use by the other party. Where an exhibit is listed on only one party's exhibit list, it is marked either as "PX" (Plaintiff's exhibit) or "DX" (Defendant's exhibit), as appropriate. The exhibit list also contains a column for Plaintiff's objections, and a column for Defendant's objections.[2]
2. The parties will provide each other with advance copies of the demonstrative exhibits they will seek to use at trial. he parties are not yet in agreement on the timing of such advance provision.
    a. Elan proposes that each party provide the other with proposed demonstrative exhibits by 8:00 p.m. EST the night before the party seeks to use them. For example, a demonstrative exhibit to be used on a Tuesday would be provided to opposing counsel by 8:00 p.m. on Monday.
    b. Abraxis proposes that each party provide the other with proposed demonstrative exhibits by 2:00 p.m. EST two days before the day the party seeks to use them. For example, a demonstrative exhibit to be used on a Tuesday would be provided to opposing counsel by 2:00 p.m. on Sunday.

[2] *See* Addendum A.

3. The parties agree to the following abbreviations for objections to proposed exhibits:

(A) Authenticity (901)
(B) Best Evidence Rule Prohibits Introduction
(C) Cumulative, Wasteful or Undue Delay (FRE 403)
(H) Hearsay (FRE 801)
(I) Irrelevant and /or Immaterial (FRE 401-402)
(L) Lack of Personal Knowledge or Competency (FRE 602)
(O) Offer to Compromise, Settlement (FRE 408)
(P) Prejudicial, Confusing or Misleading (FRE 403)
(R) Reserved Because Exhibit Has Not Been Provided, the Copy Provided is Illegible and/or the Entry Includes Multiple Documents
(W) Privileged/Work Product
(U) Untimely/Never Produced
(D) Demonstrative/should not be admitted into evidence
(M) Subject of Motion in Limine
(X) Incomplete Document

In addition to the objections listed above, Exhibit 4 also includes other objections pursuant to the Federal Rules of Evidence.

Abraxis will use the following objection abbreviation to which Elan does not agree:

(S) Secret Abraxane Manufacturing Information/Confidential.

(d) Lists of names and addresses of the potential witnesses to be called by each party, with a statement of any objections to calling, or to the qualifications of, any witness identified on the list, are attached hereto as follows:

(i) Plaintiff's witness list, including Defendant's objections and Plaintiff's responses, is attached as Exhibit 5; and

(ii) Defendant's witness, including Plaintiff's objections and Defendant's responses, is attached as Exhibit 6.

(e) The parties could not agree on a stipulation setting forth the qualifications of each expert witness in such form as could be read to the jury. Accordingly, attached as Exhibit 7 is a document setting forth each party's proposed brief statement as to the qualifications of its own experts. The parties respectfully request that the Court permit each party to qualify its own experts on the stand without having qualifications read to the jury.

(f) Lists of all depositions, or portions thereof, to be read into evidence and statements of any objections or counter-designations thereto, are attached hereto as follows:

(i) Plaintiff's designations of deposition testimony, Defendant's counter-designations and objections, Plaintiff's objections to counter-designations and Defendant's response thereto, are attached as Exhibit 8;[3] and

(ii) Defendant's designations of deposition testimony and Plaintiff's counter-designations and objections, Defendant's objections to counter-designations and Plaintiff's response are attached as Exhibit 9.[4]

(g) An itemized statement of special damages is not applicable to this action.

(h) Waivers of any claims or defenses that have been abandoned by any party:

Plaintiff has abandoned the following claims:

(i) Plaintiff has abandoned its claims for patent infringement of U.S. Patent No. 5,834,025 ("'025 Patent"). A reissue patent application for the '025 Patent is currently pending with the United States Patent and Trademark Office.

[3] *See* Addendum A.
[4] *See id.*

(ii) Plaintiff has abandoned its claims for patent infringement of claims 1, 2, 8, 9, and 15 of U.S. Patent No. 5,399,363 ("'363 Patent").

(iii) Plaintiff has abandoned its claim for injunctive relief.

Defendant now seeks only the declaratory judgments that:

(i) claims 1, 3, 5, 10, and 11 of the '363 patent are not infringed;

(ii) claims 1, 3, 5, 10, and 11 of the '363 patent are invalid for obviousness; indefiniteness, obviousness-type double patenting, and for failure to comply with the enablement and written description requirements;

(iii) the '363 patent is unenforceable for unclean hands and inequitable conduct;

(iv) claims 1-3 and 13-15 of the '025 patent are invalid for indefiniteness and for failure to comply with the enablement and written description requirements; and

(v) the '025 patent is unenforceable for inequitable conduct;

By not asserting certain claims and defenses, Abraxis does not intend to waive them with respect to any future proceeding.

(i) The parties provide the following:

(i) Plaintiff's Trial Brief is attached as Exhibit 10;

(ii) Defendant's Trial Brief is attached as Exhibit 11;

(iii) The Parties' proposed jury instructions are attached as Exhibit 12;

(iv) Plaintiff's proposed Verdict Form is attached as Exhibit 13;

(v) Defendant's proposed Verdict Form is attached as Exhibit 14;

(vi) Plaintiff's list of the questions it requests the court to ask prospective jurors in accordance with Rule 47(a) and D. Del. LR 47.1(a) is attached as Exhibit 15; and

(vii) Defendant's list of the questions it requests the court to ask prospective jurors in accordance with Rule 47(a) and D. Del. LR 47.1(a) is attached as Exhibit 16.

(j) Not applicable.

(k) A statement summarizing the history and status of settlement negotiations, indicating whether further negotiations are ongoing and likely to be productive, is attached as Exhibit 17.

(l) The parties have completed all fact and expert discovery, except as discussed in Addendum C, attached hereto. Absent good cause shown, no further discovery shall be permitted.

(m) All fully briefed motions *in limine* have been filed previously or concurrently, in accordance with the Court's pretrial scheduling order. The following motions in limine are being filed by each party:

Plaintiff's motions in limine:

(1) Plaintiff Elan Pharma International Limited's Motion In Limine No. 1 To Exclude References To The Lack Of Products Marketed By Elan Embodying The '363 Patent And References To Abraxis's Patents Covering Abraxane

(2) Plaintiff Elan Pharma International Limited's Motion In Limine No. 2 To Preclude Abraxis From Usurping The Court's Authority To Construe Patent Claims And Determine Equitable Defenses

(3) Plaintiff Elan Pharma International Limited's Motion In Limine No. 3 To Preclude Abraxis's Experts, Dr. Jerry L. Atwood and Mansoor Ajmiji, From Testifying On Subjects As To Which They Are Not Qualified

(4) Plaintiff Elan Pharma International Limited's Motion In Limine No. 4 To Preclude Testimony About And Evidence Of Abraxis's Unreliable Data Concerning Human Albumin Crosslinking

(5) Plaintiff Elan Pharma International Limited's Motion In Limine No. 5 To Exclude Arguments Or Evidence Based Upon The Reverse Doctrine Of Equivalents

Defendant's motions in limine:

(1) Motion In Limine To Strike Portions Of Elan Expert Harry Brittain's Expert Report Regarding Testing Of Abraxane And To Bar Related Testimony And Argument

(2) Motion In Limine To Exclude Evidence Of Elan's SSNMR Testing

(3) Motion In Limine To Bar Elan From Introducing Evidence Of The FDA's Decisions Not To Adopt A Proposed Change In Abraxane's Label

(4) Motion In Limine To Preclude Elan From Introducing Evidence And Testimony Regarding Byrn's Untimely Supplemental Expert Report On Infringement

(5) Motion In Limine To Preclude Elan From Introducing Into Evidence At Trial Any Exhibit Or Other Evidence, Arguments Or Contentions, That Elan Has Not Provided To Abraxis As Of The date of this Motion – Twenty Days After Elan's pretrial Disclosures Were Due

(3) Trial of this case is expected to take ten (10) days from June 2-13, 2008.

(4) The type of trial is:

Jury ☒ Non-jury ☐

(i) Elan objects to submission of equitable issues to the jury pursuant to its Motion In Limine No. 2.

(ii) Abraxis responds that the evidence underlying Abraxis's equitable defenses here are appropriately considered by the jury, pursuant to its Response to Elan's Motion in Limine No. 2.

(5)(i) Elan recommends that 6 jurors plus 2 alternates be selected at the commencement of the trial.

(5)(ii) Abraxis recommends that 9 jurors be selected at the commencement of the trial.

(6) This Order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

(7) Possibility of settlement of this case was considered by the parties as stated in Exhibit 17.

(8) Addendum A contains additional stipulations by the parties. Addendum B discusses additional issues raised by Abraxis individually. Addendum C discusses additional issues raised by Elan individually.

_____
United States District Judge

Date: _____

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Defendant.	§	

Addenda A to Exhibit 4: Plaintiff Elan's Proposed List of Demonstrative Exhibits and Experiments

The following demonstrative exhibits and experiments will be offered at trial by Plaintiff Elan:

1. Animations, power point presentations, posters, and/or pictures demonstrating Abraxis's infringement of the claims in suit.

2. Animations, power point presentations, posters, and/or pictures demonstrating Abraxis's willful infringement.

3. Animations, power point presentations, posters, and/or pictures demonstrating that the '363 and/or '025 Patents are not invalid.

4. Animations, power point presentations, posters, and/or pictures demonstrating that the '363 and/or '025 Patents are not unenforceable.

5. Animations, power point presentations, posters, and/or pictures demonstrating Abraxis's knowledge of the '363 Patent.

6. Animations, power point presentations, posters, and/or pictures of Abraxis's marketing, sales, projections, competition, and other materials relating to the marketing and sales of Abraxane.

7. Animations, power point presentations, posters, and/or pictures demonstrating techniques for characterizing solids.

8. Animations, power point presentations, posters, and/or pictures demonstrating the nano-scale.

9. Animations, power point presentations, posters, and/or pictures demonstrating crystalline and amorphous solids.

10. Animations, power point presentations, posters, and/or pictures demonstrating crosslinking, or lack thereof.

11. Animations, power point presentations, posters, and/or pictures demonstrating the Abraxane's chemical and physical properties.

12. Animations, power point presentations, posters, and/or pictures demonstrating techniques for screening suitable surface modifiers.

13. Animations, power point presentations, posters, and/or pictures demonstrating chronologies.

14. Examples, power point presentations, posters, and/or pictures demonstrating Elan's FDA approved products.

15. Power point presentations, posters and/or pictures of the relevant portions of the '684, '363, and '025 Patents.

16. Power point presentations, posters and/or pictures of the relevant portions of the prior art asserted against the '363 and '025 Patents.

17. Power point presentations, posters and/or pictures of the asserted claims.

18. Power point presentations, posters and/or pictures of Briefs and accompanying exhibits, transcript, and Elan's demonstratives in connection with July 24, 2007 Markman hearing.

19. Power point presentations, posters, and/or pictures demonstrating the damages sustained by Elan due to Abraxis's infringement of the '363 Patent.

20. Video: Michael Hawkins, M.D., Chief Medical Officer, American Bioscience, Inc., Presentation to NCI's Nanotech Seminar Series, "Abraxane: Nanoparticle platform delivers improved antitumor activity," January 24, 2006.

21. Video: "An Introduction to the Patent System" Federal Judicial Center Videotape #4342-V/02— Federal Judicial Center, 2002 and accompanying sample patent U.S. Patent No.6,543,210 B1.

As noted in the Pre-Trial Order, the parties have agreed that demonstrative exhibits shall be identified and provided (or made available for inspection) to opposing counsel to permit any objections to be raised before any such demonstrative is used at trial.

Elan reserves the right to supplement and or revise this list pursuant to Addenda A to the parties Joint Pre-Trial Order.

ADDENDUM B

Addendum B – Abraxis's Additional Issues

Elan's Late Pre-Trial Submissions

While Abraxis recognizes that some supplementation is inevitable, Elan's additions to its initial submissions due March 7 have been so extensive as to prejudice Abraxis in its preparation of its own pretrial filings. For example, as set forth in Abraxis's Motion in Limine No. 5, Elan took the position that it need not provide Abraxis with documents responding to Abraxis's case-in-chief. On March 28, the day after service of Abraxis's motion, Elan added about 170 new exhibits to its exhibit list, without providing copies of the exhibits, or identifying the purpose of those exhibits. Elan's exhibit list has further ballooned from 367 to 617 exhibits in the last week, nearly a month after the deadline for Elan to serve its exhibit list.[1] This extremely late notification puts Abraxis in an impossible position, even with Elan's agreement to additional time for Abraxis to provide any objections. For example, Abraxis has effectively been precluded from addressing the substance of Elan's new exhibits in Abraxis's pretrial submissions. Accordingly, Abraxis objects to the introduction of this evidence and reserves the right to respond fully to all of Elan's late pretrial filings, and specifically notes the following additional issues:

(i) Elan added 70 more new trial exhibits late Wednesday, April 2, leaving only two business days to review the documents before filing the pretrial order. Elan also added another 14 trial exhibits on Friday, April 4. These 84 exhibits were not received until Saturday, April 5. Given Elan's last-minute addition of so many new trial exhibits, the attached Exhibit 4 does not include all of Abraxis's objections to the last 84 exhibits. Abraxis will review these

[1] It is not yet clear exactly how many exhibits Elan is identified, because in addition to adding exhibits Elan has also recently withdrawn and/or consolidated some exhibits.

documents promptly and the parties will submit a replacement Exhibit 4 to the Court on April 21. (*See* Addendum A.) Abraxis is also moving in limine to exclude these documents, given Elan's late disclosure.

(ii) Elan designated new testimony, including testimony from four new witnesses, on Thursday, April 3. Abraxis objects to Elan's use of these late designations. It will review these designations and provide counter-designations and objections as appropriate on April 14. Elan will respond to those counter-designations and file a substitute Exhibit 8 with the Court on April 21. (*See* Addendum A.)

(iii) Abraxis received Elan's counter-designations to Abraxis's deposition designations on Thursday and Friday, April 3 and 4. Abraxis will review these counter-designations and provide objections as appropriate on April 14. A substitute Exhibit 9 will be filed with the Court on April 21. (*See* Addendum A.)

Abraxis's Pending Motion for Production of Kodak and Sterling Winthrop Documents

Abraxis's motion for the production of documents created by Sterling Winthrop, Particulate Prospects Corporation, and Eastman Kodak currently in Elan's possession remains pending. (*See* 10/2/2007 Hearing, 93:4-107:12; D.I. 237, 238).

Elan's Almost Universal Objections to Abraxis's Proposed Trial Exhibits

Elan has objected to the vast majority of Abraxis's trial exhibits. Abraxis requests the Court's assistance in resolving this unworkable impasse before trial.

Protection of Abraxis's Secret Abraxane Manufacturing Information

Abraxis requests the Court's assistance in protecting Abraxis's trade secrets designated as Secret Abraxane Manufacturing Information. Elan has not complied with the Court's orders protecting this information. Potentially compounding this serious non-compliance issue, Elan has designated many Secret documents as trial exhibits, even where Restricted Confidential versions are available (often listing both version on its exhibit list). Abraxis has made "Secret Abraxane Manufacturing Information/Confidential" objections to the use of these documents at trial. The Court has inherent power to protect Abraxis's secret information from public disclosure, and Abraxis asks that the Court exercise that power here. Abraxis will attempt to resolve this issue with Elan before the pretrial conference, but will seek the Court's assistance if it cannot be resolved.

Preventing Inappropriate Examination of Abraxis's Witnesses at Trial Before It Happens

Abraxis requests that the Court instruct Elan's counsel before trial not to harass witnesses with questions regarding their national origin, citizenship status, marital status or marital discord, attendance at funerals of close family members, private business or financial issues, or similarly inappropriate subjects. These topics all were the subject of repeated inquiry by Elan's lead trial counsel during depositions of Abraxis's witnesses, despite objections by Abraxis's counsel.

Elan's New Damages Claim

Abraxis propounded an interrogatory seeking all bases for Elan's damages claim. Elan responded that it was only seeking a reasonable royalty. Similarly, Elan's damages expert Mr. Jarosz did not opine on any damages theory other than a reasonable royalty rate. Therefore,

Abraxis objects to Elan's last minute attempt to argue any damages theory other than a reasonable royalty at trial. (*See* section (1) of the pretrial order and Elan's proposed damages jury instructions.).

Elan's Attempts to Preclude Testimony Without Filing Motions In Limine

Elan in Addendum C argues that Dr. Wozniak and Ms. Melody be precluded from testifying, and that Dr. Atwood be precluded from testifying as to the opinions expressed in his supplemental report. Elan should have made these arguments in motions in limine and its attempt to make them in the pretrial order represents an end-run around this Court's five motions in limine rule. Abraxis addresses these issues in Exhibit 6 to this pretrial order.

The '025 Patent Is Still Part Of This Case

Elan's argument in Addendum C that all issues related to the '025 patent be precluded at trial constitutes an improper motion to dismiss Abraxis's pending counterclaims for invalidity and unenforceability of the '025 patent. Because those counterclaims are still pending, those issues must be tried.

ADDENDUM C

Addendum C – Elan's Additional Issues

Potential Deposition of Jerry L. Atwood

On February 29, 2008, Abraxis served a Supplemental Expert Report of Jerry L. Atwood. To the extent Dr. Atwood is permitted to testify as to subject matter and opinions raised for the first time in his Supplemental Report, Elan reserves the right to (1) depose Dr. Atwood on such subject matters and opinions; and (2) provide a rebuttal expert report and proffer expert testimony in response to Dr. Atwood's Supplemental Expert Report.

Potential Depositions of Katherine Melody and Dr. Timothy Wozniak

On February 1, 2008, Abraxis first disclosed two purported fact witnesses to Elan. Elan has objected to Abraxis calling these witnesses in Exhibit 6. If the Court consents to Abraxis presenting these witnesses at trial, Elan reserves the right to depose them.

Mootness of Issues in the '025 Patent

On December 21, 2007, Elan notified Abraxis that it no longer seeks to prove infringement of the '025 Patent. In a response on January 1, 2008, Abraxis declined to stipulate to final judgment at that time. Elan raised this issue again in its letter of January 2, 2008 Moreover, Abraxis in its January 9th 2008 reply letter for Summary Judgment to the Court noted that it would oppose any motion under Rule 54 by Elan. Elan has filed for reissue of the '025 patent. In light of the pending reissue application, the remaining issues Abraxis has raised will likely be rendered moot. Accordingly, Elan submits that the parties should not waste the Court's or the Jury's time on any issues related to the '025 patent.

Abraxis's Additional Issues

Elan disagrees with the characterizations of events contained in Abraxis's addenda. To the extent the Court wishes Elan to address the merits of any of the issues raised in Abraxis's addenda, Elan will do so at the Court's direction and with the Court's guidance.

EXHIBIT 1

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

EXHIBIT 1: JOINT STATEMENT OF UNCONTESTED FACTS

IT IS HEREBY STIPULATED AND AGREED that the following facts are uncontested and shall become part of the evidentiary record:

1. Elan Pharma International Limited ("Elan"), is a company organized under the laws of Ireland, having a business address at Monksland, Athlone, County Westmeath, Ireland. Elan is a subsidiary of Elan Holdings, Inc., which is a subsidiary of Elan Corporation plc.

2. Elan Pharma International Limited is the plaintiff in this lawsuit and will be referred to throughout as "Elan."

3. Abraxis BioScience, Inc. ("Abraxis") is a Delaware corporation with its principal place of business at 11755 Wilshire Boulevard, 20th Floor, Los Angeles, CA 90025.

4. Abraxis BioScience, Inc. is the defendant in this lawsuit and will be referred to throughout as "Abraxis."

5. Predecessor companies to Abraxis include American BioSciences, Inc., American Pharmaceutical Partners, and VivoRx Pharmaceuticals, Inc.

6. In 1998, Elan Corporation, plc acquired a limited liability company known as NanoSystems, LLC.

7. When Elan Corporation, plc acquired NanoSystems, LLC, it acquired all of NanoSystems' assets, employees, and patents.

8. United States Patent No. 5,399,363 ("'363 Patent") was included in the patents acquired by Elan Corporation, plc from NanoSystems, LLC.

9. Elan Corporation, plc transferred ownership of the '363 Patent to Elan Pharma International Limited in 1998.

10. Elan is the sole owner of the '363 Patent.

11. Elan is also the sole owner of another patent acquired from NanoSystems, LLC, United States Patent No. 5,145,684 ("the '684 patent").

12. Prior owners of the '363 Patent and/or the '684 Patent include Sterling Drug, Sterling Winthrop, Eastman Kodak, Particular Prospects, NanoSystems LLC, and Elan Corp., plc.

13. The '363 patent, entitled "*Surface Modified Anticancer Nanoparticles*," names Gary G. Liversidge, Elaine Liversidge, and Pramod P. Sarpotdar as inventors. The '363 patent issued on March 21, 1995. The application that led to the '363 patent, U.S. Patent Application No. 07/908,125, was filed on July 1, 1992 (the "'363 application"). The '363 application is a continuation-in-part of a parent application.

14. The '363 parent application, U.S. Patent Application No. 07/647,105, was filed on January 25, 1991 (the "'363 parent application"). The '363 parent application issued on September 8, 1992 as U.S. Patent No. 5,145,684 (the "'684 patent"), entitled "*Surface Modified Drug Nanoparticles*," naming Gary Liversidge, Kenneth Cundy, John Bishop, and David Czekai as inventors.

15. Elan filed a terminal disclaimer of the '363 patent on October 25, 2007, reducing the term of the '363 patent so that it expires on January 25, 2011, the expiration date of the '684 patent.

16. There is no written record of Arthur H. Rosenstein citing U.S. Patent No. 5,188,837 (Domb) to the U.S. Patent and Trademark Office during prosecution of the '363 application.

17. There is no written record of William J. Davis citing Domb to the U.S. Patent and Trademark Office during prosecution of the '363 application.

18. Elan is the sole owner of U.S. Patent No. 5,834,025 ("'025 Patent").

19. The '025 patent, entitled "*Reduction of Intravenously Administered Nanoparticulate – Formulation Induced Adverse Physiological Reactions*," names Lawrence de Garavilla, Elaine M. Liversidge, and Gary G. Liversidge as inventors. The '025 patent issued on November 10, 1998. The application that led to the '025 patent, U.S. Patent Application No. 07/696,754, was filed on August 14, 1996 (the "'025 application"). The '025 application claims priority to a provisional application filed September 29, 1995.

20. Prior owners of the '025 patent include Eastman Kodak, Particulate Prospects, NanoSystems LLC, and Elan Corp., plc.

21. Abraxis sells its anti-cancer drug product Abraxane® in the United States.

22. Abraxane has been approved by the United States Food and Drug Administration for the treatment of metastatic breast cancer after failure of combination chemotherapy for metastatic disease or relapse within 6 months of adjuvant chemotherapy, with prior therapy including an anthracycline unless clinically contraindicated. It is being tested for the treatment of other cancers.

REDACTED

23. Each vial of Abraxane® contains 100 milligrams of paclitaxel and approximately 900 milligrams of human albumin.

24. [redacted]

25. The instructions contained within the physician package insert for Abraxane® state "reconstitute each vial by injecting 20 ml of 0.9% Sodium Chloride Injection, USP."

26. Sodium Chloride Injection, USP is a saline solution.

27. Reconstituted Abraxane® is administered to cancer patients intravenously. Abraxane has been administered to over 30, 000 patients.

28. On January 7, 2005, the FDA approved NDA 21-660, authorizing Abraxis to market Abraxane® in the United States.

29. Abraxis reported to the SEC in publicly filed documents revenues from the sale of Abraxane of $134 million, $157 million, and $288 million for 2005, 2006, and 2007, respectively.

30. Elan filed this lawsuit on July 19, 2006.

31. In this lawsuit, Elan alleges that Abraxis directly or indirectly infringes claims 3, 5, 10, and 11 of the '363 patent by marketing, offering to sell, and selling Abraxane®.

32. In this lawsuit, Abraxis disputes whether the particles in Abraxane®, or in reconstituted Abraxane®, consist essentially of (1) 99.9-10% by weight of crystalline medicament and (2) 0.1-90% by weight of non-crosslinked surface modifier. Abraxis does not dispute that Abraxane® meets any other '363 Patent claim limitations for purposes of determining whether there is infringement in this lawsuit.

33. In this lawsuit, Abraxis also alleges that claims 1, 3, 5, 10 and 11 of the '363 and claims 1, 2, 3, 13, 14 and 15 of the '025 patents are invalid and unenforceable.

EXHIBIT 2

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.	§	

EXHIBIT 2: PLAINTIFF ELAN'S STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

The following is Plaintiff Elan's Statement of Contested Issues of Fact and Law:

I. CONTESTED ISSUES OF FACT ON INFRINGEMENT OF THE '363 PATENT

1. Whether Abraxis literally infringes claim 3 of the '363 patent by offering for sale and/or selling Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis infringe claim 3 under the doctrine of equivalents?

2. Whether Abraxis literally infringes claim 5 of the '363 patent by offering for sale and/or selling Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis infringe claim 5 under the doctrine of equivalents?

3. Whether Abraxis induces literal infringement of claim 3 of the '363 patent by offering for sale, selling, and/or marketing Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis induce infringement of claim 3 under the doctrine of equivalents?

4. Whether Abraxis induces literal infringement of claim 5 of the '363 patent by offering for sale, selling, and/or marketing Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis induce infringement of claim 5 under the doctrine of equivalents?

5. Whether Abraxis induces literal infringement of claim 10 of the '363 patent by offering for sale, selling, and/or marketing Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis induce infringement of claim 10 under the doctrine of equivalents?

6. Whether Abraxis induces literal infringement of claim 11 of the '363 patent by offering for sale, selling, and/or marketing Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis induce infringement of claim 11 under the doctrine of equivalents?

7. Whether Abraxis contributes to literal infringement of claim 3 of the '363 patent by offering for sale or selling Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis contribute to infringement of claim 3 under the doctrine of equivalents?

8. Whether Abraxis contributes to literal infringement of claim 5 of the '363 patent by offering for sale or selling Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis contribute to infringement of claim 5 under the doctrine of equivalents?

9. Whether Abraxis contributes to literal infringement of claim 10 of the '363 patent by offering for sale or selling Abraxane® in the United States? If no literal infringement of this

claim is found, then does Abraxis contribute to infringement of claim 10 under the doctrine of equivalents?

10. Whether Abraxis contributes to literal infringement of claim 11 of the '363 patent by offering for sale or selling Abraxane® in the United States? If no literal infringement of this claim is found, then does Abraxis contribute to infringement of claim 11 under the doctrine of equivalents?

11. Whether the paclitaxel in the particles within Abraxane® is "a crystalline medicament useful in treating cancer?"

12. Whether the human albumin on the particles within Abraxane® is "essentially free of intermolecular crosslinkages?"

13. Whether the presence of amorphous paclitaxel in the particles within Abraxane® affects the basic and novel properties of the invention?

14. Whether the presence of crosslinked human albumin on the particles within Abraxane® affects the basic and novel properties of the invention?

15. Whether the disclosure of the '684 Patent is "incorporated by reference in its entirety" in the '363 Patent?

16. Whether claim 3 of the '363 Patent contains the following relevant limitations:

> Particles consisting essentially of:
>
> 99.9 - 10% by weight of a crystalline medicament useful in treating cancer susceptible for treatment with said medicament,
>
> said medicament having a solubility in water of less than 10 mg/ml, and
>
> having a non-cross-linked surface modifier adsorbed on the surface thereof in an amount of 0.1-90% by weight and sufficient to maintain an average effective particle size of less than 300 nm,
>
> wherein said medicament is selected from the group consisting of . alkylating

agents selected from the group consisting of alkylating agents having a bis-(2-chloroethyl)-amine group, alkylating agents having a substituted aziridine group, alkyl sulfonates, and N-alkyl-N-nitrosoureas; antimetabolites; natural products selected from the group consisting of vinca alkaloids, epipophylotoxins, adriamycine, daunomycine, doctinomycine, daunorubicin, doxorubicin, mithramycin, bleomycin, mitomycin, enzymes, biological response modifiers, camptothecin, taxol and retinoids; hormones and antagonists: radiosensitizers; platinum coordination complexes; anthracenediones; and adrenocortical suppressants?

17. Whether claim 5 of the '363 Patent contains the following relevant limitations:

Particles consisting essentially of:

99.9 - 10% by weight of a crystalline medicament useful in treating cancer susceptible for treatment with said medicament,

said medicament having a solubility in water of less than 10 mg/ml, and

having a non-cross-linked surface modifier adsorbed on the surface thereof in an amount of 0.1-90% by weight and sufficient to maintain an average effective particle size of less than 1000 nm,

wherein said anticancer agent is selected from the group consisting piposulfan, piposulfam, camptothecin, etoposide, taxol, 1,2,4-benzotriazin-3-amine 1,4-dioxide, 1,2,4-benzotriazin-7-amine 1,4-dioxide and retinoic acid?

18. Whether claim 10 of the '363 Patent contains the following relevant limitations:

In a method of treating a mammal comprising administering to the mammal an effective amount of an anticancer agent, the improvement wherein the efficacy of said anticancer agent is increased by administering said anticancer agent in the form of the particles,

the particles consisting essentially of:

99.9 - 10% by weight of a crystalline medicament useful in treating cancer susceptible for treatment with said medicament,

said medicament having a solubility in water of less than 10 mg/ml, and

having a non-cross-linked surface modifier adsorbed on the surface thereof in an amount of 0.1-90% by weight and sufficient to maintain an average effective particle size of less than 1000 nm,

wherein said medicament is selected from the group consisting of . alkylating agents selected from the group consisting of alkylating agents having a bis-(2-

chloroethyl)-amine group, alkylating agents having a substituted aziridine group, alkyl sulfonates, and N-alkyl-N-nitrosoureas; antimetabolites; natural products selected from the group consisting of vinca alkaloids, epipophylotoxins, adriamycine, daunomycine, doctinomycine, daunorubicin, doxorubicin, mithramycin, bleomycin, mitomycin, enzymes, biological response modifiers, camptothecin, taxol and retinoids; hormones and antagonists: radiosensitizers; platinum coordination complexes; anthracenediones; and adrenocortical suppressants?

19. Whether claim 11 of the '363 Patent contains the following relevant limitations:

In a method of treating a mammal comprising administering to the mammal an effective amount of an anticancer agent, the improvement wherein the toxicity of said anticancer agent is reduced by administering said anticancer agent in the form of the particles consisting essentially of:

99.9 - 10% by weight of a crystalline medicament useful in treating cancer susceptible for treatment with said medicament,

said medicament having a solubility in water of less than 10 mg/ml, and

having a non-cross-linked surface modifier adsorbed on the surface thereof in an amount of 0.1-90% by weight and sufficient to maintain an average effective particle size of less than 1000 nm,

wherein said medicament is selected from the group consisting of . alkylating agents selected from the group consisting of alkylating agents having a bis-(2-chloroethyl)-amine group, alkylating agents having a substituted aziridine group, alkyl sulfonates, and N-alkyl-N-nitrosoureas; antimetabolites; natural products selected from the group consisting of vinca alkaloids, epipophylotoxins, adriamycine, daunomycine, doctinomycine, daunorubicin, doxorubicin, mithramycin, bleomycin, mitomycin, enzymes, biological response modifiers, camptothecin, taxol and retinoids; hormones and antagonists: radiosensitizers; platinum coordination complexes; anthracenediones; and adrenocortical suppressants?

20. Whether the '363 Patent is licensed to Janssen Pharmaceutica N.V., a subsidiary of Johnson & Johnson?

21. Whether the '363 Patent is licensed to Bristol Myers Squibb Company?

22. Whether the '363 Patent is licensed to Aventis Pharma S.A.?

23. Whether the '363 Patent is licensed to F. Hoffman-La Roche, Ltd. and Hoffman-La Roche, Inc.?

24. Whether The '363 Patent is licensed to Entremed, Inc.?

25. Whether the '363 Patent is licensed to Lymphosign, Inc. and Lymphosign, A.G.?

26. Whether Abraxis markets Abraxane®?

27. Whether Abraxane® is sold in single-use vials?

28. Whether Abraxane® sold in single use vials is a dry powder?

29. Whether Taxol® is a formulation of paclitaxel dissolved in Cremophor and ethanol marketed by Bristol Myers Squibb?

30. Whether reconstituted Abraxane® is more effective than Taxol®?

31. Whether reconstituted Abraxane® is less toxic than Taxol®?

32. Whether Abraxis is required to include an FDA approved physician package insert with each single-use vial of Abraxane® it sells?

33. Whether the physician package insert for Abraxane® contains instructions for preparing reconstituted Abraxane®?

34. Whether VivoRx Pharmaceuticals, Inc. filed with FDA an Investigational New Drug application ("IND") for "Capxol" on May 12, 1998?

35. Whether FDA assigned "55-974" to the "Capxol" IND?

36. Whether after filing IND 55-974 for "Capxol", VivoRx Pharmaceuticals, Inc. changed its name to American Biosciences, Inc.?

37. Whether American Biosciences, Inc. filed with FDA a New Drug Application ("NDA") for "ABI-007" on March 4, 2004?

38. Whether FDA assigned "21-660" to American Biosciences, Inc.'s NDA for "ABI-007"?

39. Whether NDA 21-660 cross references IND 55-974?

REDACTED

40. Whether after filing the NDA 21-660 for "ABI-007," American Biosciences, Inc. and American Pharmaceutical Partners merged to form Abraxis Biosciences, Inc.?

41. Whether the paclitaxel starting material used to manufacture Abraxane® is crystalline?

42. [redacted]

43. Whether a crosslinkage is a chemical bond between molecules?

44. Whether a monomer is a molecule with no crosslinkages?

45. [redacted]

46. Whether the process for manufacturing Abraxane® [redacted]

47. Whether during manufacture of Abraxane®, [redacted]

48. [redacted] during the manufacturing of Abraxane®?

49. Whether Abraxis reported to FDA that [redacted] is used to manufacture Abraxane®?

50. Whether Abraxis reported to FDA that [redacted]

51. Whether American BioSciences, Inc. reported to FDA on [redacted]

52. Whether American BioSciences, Inc. reported to FDA that the [redacted]

REDACTED

53. Whether American BioSciences, Inc. reported to FDA on [redacted]

54. Whether American BioSciences, Inc. reported to FDA that the [redacted]

55. Whether American BioSciences, Inc. reported to FDA that the [redacted]

56. Whether American BioSciences, Inc. reported to FDA that the [redacted]

57. [redacted]

58. [redacted]

59. [redacted]

60. [redacted]

61. [redacted]

62. [redacted]

REDACTED

63. Whether Abraxis requested FDA to [redacted]

64. [redacted]

65. Whether FDA [redacted]

66. Whether NanoSystems and VivoRx Pharmaceuticals, Inc. [redacted]

67. Whether the [redacted]

68. Whether after Nanosystems and VivoRx [redacted]

69. Whether [redacted]

70. Whether Dr. Raj Selvaraj was aware of the '363 Patent prior to joining American BioSciences, Inc. in 1999?

71. Whether Dr. Raj Selvaraj was aware of the '684 Patent prior to joining American BioSciences, Inc. in 1999?

72. Whether VivoRx Pharmaceuticals, Inc. [redacted]

73. Whether American BioSciences, Inc. [redacted]

REDACTED

74. Whether Abraxis [redacted] the date this lawsuit was filed on July 19, 2006?

75. Whether no single prior art reference identified in Abraxis's Interrogatory Responses contains each of the limitations of claims 3, 5, 10 or 11 of the '363 Patent?

76. Whether no single prior art reference identified by Abraxis's expert Dr. Mansoor Amiji contains each of the limitations of claims 3, 5, 10 or 11 of the '363 Patent?

77. Whether European Patent No. 0262560 ("Kondo") was cited to the Patent Examiner during prosecution of the '363 Patent?

78. Whether the Patent Examiner signed and initialed a document indicating that Kondo was considered during prosecution of the '363 Patent?

79. Whether the Patent Examiner did not cite Kondo to reject any claims during prosecution of the '363 Patent?

80. Whether all of the contents of European Patent No. 0233559 B1 ("Kondo II") are also contained in Kondo?

81. Whether European Patent No. 0233559 B1 ("Kondo II") is prior art to the '363 Patent?

82. Whether U.S. Patent No. 5,091,188 ("Haynes") was cited to the Patent Examiner during prosecution of the '363 Patent?

83. Whether the Patent Examiner signed and initialed a document indicating that Haynes was considered during prosecution of the '363 Patent?

84. Whether the Patent Examiner did not cite Haynes to reject any claims during prosecution of the '363 Patent?

85. Whether the '025 Patent is licensed to Janssen Pharmaceutica N.V., a subsidiary of Johnson & Johnson?

86. Whether the '025 Patent is licensed to Bristol Myers Squibb Company?

87. Whether the '025 Patent is licensed to F. Hoffman-La Roche and Hoffman-La Roche, Inc.?

88. Whether the '025 Patent is licensed to Lymphosign, Inc. and Lymphosign, A.G.?

II. CONTESTED ISSUES OF LAW ON INFRINGEMENT OF THE '363 PATENT

89. Whether prosecution history estoppel bars application of the doctrine of equivalents to the issue of whether paclitaxel in Abraxane® is the equivalent of "a crystalline medicament useful in treating cancer?"

III. CONTESTED ISSUES OF FACT ON DAMAGES AND WILLFUL INFRINGEMENT

90. What monetary damages will compensate Elan for Abraxis's past infringement of the '363 patent?

91. What reasonable royalty should Abraxis pay Elan for a license under the '363 Patent?

92. Whether Abraxis willfully infringed, or willfully induced others to infringe, or willfully contributed to infringement by another, any asserted claim of the '363 Patent?

IV. CONTESTED ISSUES OF LAW ON DAMAGES AND WILLFUL INFRINGEMENT

93. If willful infringement is found, should the damages for which Abraxis is liable be trebled or increased in such other amount pursuant to 35 U.S.C. § 284 as the Court deems proper for Abraxis's willful infringement?

94. If willful infringement is found, is this case exceptional under 35 U.S.C. § 285, entitling Elan to recover attorneys' fees, expenses, and costs, due to the willful nature of Abraxis's infringement?

V. CONTESTED ISSUES OF FACT ON VALIDITY

The '363 Patent

95. Whether a person involved in formulation of poorly water soluble compounds who has a B.S. degree in chemistry, pharmaceutical sciences, or a related field, along with 3-5 years of experience in the field of pharmaceutical formulation development, was a person of skill in the art of the '363 Patent?

96. Whether the invention of the asserted '363 Patent claims has been commercially successful?

97. Whether the invention of the asserted '363 Patent claims addressed a long-felt need in the art?

98. Whether others have copied the invention of the asserted '363 Patent claims?

99. Whether the invention of the asserted '363 Patent claims are unexpected or superior results?

100. Whether others in the field have praised the invention of the asserted '363 Patent claims?

101. Whether Haynes (US 5,091,188) renders claims 1, 3, 5, 10 and/or 11 of the '363 Patent obvious?

102. Whether the combination of Remington's Pharmaceutical Sciences 18th Edition (1990), The Merck Index, 11th Edition (1989), or Lee (US Patent No. 5,175,287) with Haynes renders claims 1, 3, 5, 10 and/or 11 of the '363 Patent obvious?

103. Whether the combination of Domb (US 5,188,837) with Haynes renders claims 1, 3, 5, 10 and/or 11 of the '363 Patent obvious?

104. Whether Kondo (EP 023559 B1) renders claims 1, 3, 5, 10 and/or 11 of the '363 Patent obvious?

105. Whether the combination of Remington's, Merck or Lee with Kondo renders claims 1, 3, 5, 10 and/or 11 of the '363 Patent obvious?

106. Whether the specification of the '363 Patent enables one of ordinary skill in the art to practice the invention of claims 1, 3, 5, 10 and/or 11 without undue experimentation?

107. Whether the specification of the '363 Patent adequately describes the limitations of claims 1, 3, 5, 10 and/or 11?

108. Whether one of ordinary skill in the art would understand the scope of claims 1, 3, 5, 10 and/or 11 of the '363 Patent when the claim is read in light of the specification?

The '025 Patent

109. Whether any prior art reference relied on by Abraxis's expert Johnson Wong renders claim 1, 2, 3, 13, 14 and/or 15 of the '025 Patent obvious?

110. Whether the specification of the '025 Patent enables one of ordinary skill in the art to practice the invention of claim 1, 2, 3, 13, 14 and/or 15 without undue experimentation?

111. Whether the specification of the '025 Patent adequately describes the limitations of claim 1, 2, 3, 13, 14 and/or 15?

112. Whether one of ordinary skill in the art would understand the scope of claim 1, 2, 3, 13, 14 and/or 15 of the '025 Patent when the claim is read in light of the specification?

VI. CONTESTED ISSUES OF LAW ON VALIDITY

The '363 Patent

113. Whether Abraxis has proven by clear and convincing evidence that claims 1, 3, 5, 10 and/or 11 of the '363 Patent is invalid under 35 U.S.C. § 103(a) as obvious in view of the prior art relied on by Abraxis?

114. Whether Abraxis has proven by clear and convincing evidence that claims 1, 3, 5, 10 and/or 11 of the '363 Patent is invalid under 35 U.S.C. § 112, first paragraph, as not enabled?

115. Whether Abraxis has proven by clear and convincing evidence that claims 1, 3, 5, 10 and/or 11 of the '363 Patent is invalid under 35 U.S.C. § 112, first paragraph, as lacking written description support?

116. Whether Abraxis has proven by clear and convincing evidence that claims 1, 3, 5, 10 and/or 11 of the '363 Patent is invalid under 35 U.S.C. § 112, second paragraph, as indefinite?

The '025 Patent

117. Whether Abraxis has proven by clear and convincing evidence that claim 1, 2, 3, 13, 14 and/or 15 of the '025 Patent is invalid under 35 U.S.C. § 112, first paragraph, as not enabled?

118. Whether Abraxis has proven by clear and convincing evidence that claim 1, 2, 3, 13, 14 and/or 15 of the '025 Patent is invalid under 35 U.S.C. § 112, first paragraph, as lacking written description in the specification?

VII. CONTESTED ISSUES OF FACT ON INEQUITABLE CONDUCT

The '363 Patent

119. Whether during prosecution of the '363 Patent applicants or their attorneys or representatives withheld material information from the Patent office?

120. If the '363 Patent applicants or their attorneys or representatives withheld material information from the Patent Office, whether the '363 Patent applicants or their attorneys or representatives intended to deceive or mislead the Patent Office?

121. Whether during prosecution of the '025 Patent applicants or their attorneys or representatives withheld material information from the Patent office?

122. If the '025 Patent applicants or their attorneys or representatives withheld material information from the Patent Office, whether the '025 Patent applicants or their attorneys or representatives intended to deceive or mislead the Patent Office?

VIII. CONTESTED ISSUES OF LAW ON INEQUITABLE CONDUCT

123. If Abraxis has proven by clear and convincing evidence that the '363 patent applicants or their representatives withheld material information from the Patent Office with intent to deceive the Patent Office, when materiality and intent are balanced was the conduct as a whole inequitable so as to render the '363 patent unenforceable?

124. If Abraxis has proven by clear and convincing evidence that the '025 patent applicants or their representatives withheld material information from the Patent Office with intent to deceive the Patent Office, when materiality and intent are balanced was the conduct as a whole inequitable so as to render the '025 patent unenforceable?

IX. CONTESTED ISSUES OF FACT ON PATENT MISUSE AND UNCLEAN HANDS

125. Whether Abraxis has proven by clear and convincing evidence that Elan had no objective basis to believe that its conduct in bringing this lawsuit, and in making assertions as to the Abraxane® product, were legitimate?

126. Whether Abraxis has proven by clear and convincing evidence that Elan's subjective motivation in bringing this lawsuit, and in making assertions as to the Abraxane® product, was solely to interfere with competition so as to gain a competitive advantage?

127. Whether Abraxis has proven by clear and convincing evidence that Elan has sought to impermissibly extend the physical or temporal scope of the statutory rights granted to it under the '363 Patent?

X. CONTESTED ISSUES OF LAW ON PATENT MISUSE AND UNCLEAN HANDS

128. Whether Elan had a bad faith or improper purpose for bringing suit against Abraxis under the '363 patent?

XI. CONTESTED ISSUES OF LAW ON OBVIOUSNESS-TYPE DOUBLE PATENTING

129. Whether any of claims 1, 3, 5, 10, or 11 of the '363 Patent are obvious in view of claims 1, 4, 6, and 15 of the '684 Patent?

130. Whether the filing of a terminal disclaimer by Elan on October 25, 2007 cures any obviousness-type double patenting of the '363 Patent?

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

EXHIBIT 3: DEFENDANT ABRAXIS'S
STATEMENT OF CONTESTED FACTS AND LAW

I. INFRINGEMENT

A. Issues of Fact

1. Whether by a preponderance of the evidence the particles in Abraxane® consist essentially of 99.9-10% by weight of a crystalline medicament and 0.1-90% by weight of a surface modifier that is essentially free of intermolecular cross linkages?

2. If Elan is not barred from asserting equivalents for the '363 patent limitation "a crystalline medicament useful in treating cancer," whether by a preponderance of the evidence the particles in Abraxane® consist essentially of 99.9-10% by weight of a crystalline medicament under the doctrine of equivalents?

3. If Elan is not barred from asserting equivalents for the '363 patent limitation "a non-crosslinked surface modifier," whether by a preponderance of the evidence the particles in

Abraxane® consist essentially of 0.1-90% by weight of a surface modifier that is essentially free of intermolecular cross linkages under the doctrine of equivalents?

4. Whether by a preponderance of the evidence Abraxis actively encouraged or instructed another person, with specific intent of encouraging infringement, how to use Abraxane® in a manner that infringed claim 3 of the '363 patent?

5. Whether by a preponderance of the evidence Abraxis actively encouraged or instructed another person, with specific intent of encouraging infringement, how to use Abraxane® in a manner that infringed claim 5 of the '363 patent?

6. Whether by a preponderance of the evidence Abraxis actively encouraged or instructed another person, with specific intent of encouraging infringement, how to use Abraxane® in a manner that infringed claim 10 of the '363 patent?

7. Whether by a preponderance of the evidence Abraxis actively encouraged or instructed another person, with specific intent of encouraging infringement, how to use Abraxane® in a manner that infringed claim 11 of the '363 patent?

8. Whether by a preponderance of the evidence Abraxis contributorily infringes claim 3 of the '363 patent, by selling Abraxane®, with knowledge that Abraxane® is especially adapted for use in infringing the '363 patent and has no significant non-infringing use?

9. Whether by a preponderance of the evidence Abraxis contributorily infringes claim 5 of the '363 patent, by selling Abraxane®, with knowledge that Abraxane® is especially adapted for use in infringing the '363 patent and has no significant non-infringing use?

10. Whether by a preponderance of the evidence Abraxis contributorily infringes claim 10 of the '363 patent, by selling Abraxane®, with knowledge that Abraxane® is especially adapted for use in infringing the '363 patent and has no significant non-infringing use?

11. Whether by a preponderance of the evidence Abraxis contributorily infringes claim 11 of the '363 patent, by selling Abraxane®, with knowledge that Abraxane® is especially adapted for use in infringing the '363 patent and has no significant non-infringing use?

12. If the crystalline, non-amorphous nature of the medicament in the particles is a basic and novel property of claims 1, 3, 5, 10, and 11 of the '363 patent, whether the presence of amorphous paclitaxel in the particles within Abraxane® affects the basic and novel properties of the particles claimed?

13. If the non-crosslinked nature of the surface modifier adsorbed to the surface of the particles is a basic and novel property of claims 1, 3, 5, 10, and 11 of the '363 patent, whether the presence of crosslinked human serum albumin in the particles within Abraxane® affects the basic and novel properties of the particles claimed?

14. Whether the amount of amorphous paclitaxel and/or crosslinked human serum albumin in Abraxane® precludes infringement?

15. If the Court allows Elan to assert equivalents for the '363 patent limitation "a crystalline medicament useful for treating cancer," whether the paclitaxel in Abraxane® is equivalent to "a crystalline medicament useful for treating cancer"?

16. If the Court allows Elan to assert equivalents for the '363 patent limitation "a non-crosslinked surface modifier," whether the human serum albumin in Abraxane® is equivalent to "a non-crosslinked surface modifier"?

17. Whether Abraxis does not directly or indirectly infringe claims 1, 3, 5, 10, and/or 11 of the '363 patent due to the reverse doctrine of equivalents?

B. Issues of Law

18. Whether the combination of crystalline medicament and surface modifier in the claimed particles must add up to essentially 100% of the particle weight?

19. Whether the limitation "consisting essentially of" allows for the presence of only small amounts of components outside of the claimed substances?

20. Whether "crosslinkages" in the claims of the '363 patent (as construed by the Court) refers to only covalent crosslinkages or to all forms of crosslinkages?

21. Whether the crystalline, non-amorphous nature of the medicament in the particles is a basic and novel property of the claims of the '363 patent?

22. Whether the non-crosslinked nature of the surface modifier adsorbed to the surface of the particles is a basic and novel property of the claims of the '363 patent?

23. Whether Elan is barred from asserting equivalents for the '363 patent limitation "consisting essentially of 99.9-10% by weight of a crystalline medicament and 0.1-90% by weight of a non-crosslinked surface modifier."

24. Whether Elan is barred from asserting equivalents for the '363 patent limitation "a crystalline medicament useful in treating cancer"?

25. Whether Elan is barred from asserting equivalents for the '363 patent limitation "a non-crosslinked surface modifier"?

II. 35 U.S.C. § 103 OBVIOUSNESS

A. Issues of Fact

26. Whether the level of ordinary skill in the art of the '363 patent was a person having a Ph.D. (or the equivalent) in pharmaceutical sciences, chemistry, chemical engineering, or biological sciences and at least two years of practical experience in formulating drug compositions at the time the application for the '363 patent was filed, or in the alternative a person with a Masters' degree in pharmaceutical sciences (or the equivalent) with two or more years' practical experience specifically in the development of nanoparticulate pharmaceutical compositions?

27. What is the scope and content of the prior art?

28. What are the differences between the claimed subject matter and the prior art?

29. Whether there are any additional considerations relating to the obviousness of claims 1, 3, 5, 10 and 11 of the '363 patent?

B. Issues of Law

30. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid as obvious under 35 U.S.C. § 103?

31. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid as obvious under 35 U.S.C. § 103 in view of U.S. Patent 5,091,188 (Haynes), alone or in combination with Remington's, Merck Index, and/or U.S. Patent 5,175,287 (Lee)?

32. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid as obvious under 35 U.S.C. § 103 in view of EP 0233559 (Kondo), alone or in combination with Remington's, Merck Index, and/or Lee?

33. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid as obvious under 35 U.S.C. § 103 in view of U.S. Patent 5,188,837 (Domb) in combination with Haynes?

III. 35 U.S.C. § 112 LACK OF ENABLEMENT

A. Issues of Fact

34. Whether the level of ordinary skill in the art of the '025 patent relating to the pharmaceutics of nanoparticulate compositions was a person having a Ph.D. (or the equivalent) in pharmaceutical sciences, chemistry, chemical engineering, or biological sciences and at least two years of practical experience in formulating drug compositions at the time the application for the '025 patent was filed, or in the alternative a person with a Masters' degree in pharmaceutical sciences (or the equivalent) with two or more years' practical experience specifically in the development of nanoparticulate pharmaceutical compositions?

35. Whether the level of ordinary skill in the art of the '025 patent relating to hemodynamic effects of administering pharmaceutical compositions to mammals was a person having an M.D. (or the equivalent) with experience in administering drugs by infusion therapy to patients, or to animals in a research context, or in the alternative a person with a Ph.D. or D.V.M.

who had knowledge of animal physiology and experience in administering drug compositions to animals; with experience managing acute adverse drug reactions?

36. Whether the level of ordinary skill in the art of the '363 patent is as set forth in paragraph 26, above.

37. Whether the '363 patent and '025 patent (for claims 1-3) teach how to determine which surface modifiers in what amounts to combine with any particular drug without undue experimentation?

38. Whether the '025 patent (for claims 13-15) teaches how to determine which liposomes or colloidal polymeric materials in what amounts to combine with any particular drug without undue experimentation?

39. Whether the '363 patent fails to teach how to make drug particles or compositions that are "essentially free of contaminants" without undue experimentation?

40. Whether the '363 patent and the '025 patent (for claims 1-3) fail to teach how to make nanoparticles with amounts of surface modifier over much of the range claimed without undue experimentation?

41. Whether the '025 patent (for claims 13-15) fails to teach how to make nanoparticles with amounts of liposome or colloidal polymeric material over much of the range claimed without undue experimentation?

42. If Elan asserts that the claims encompass particles consisting essentially of up to 90% ('363 patent) or up to about 99.9% ('025 patent) amorphous medicament, whether the '363 and the '025 patents fail to teach how to make particles over much of this range?

B. Issues of Law

43. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid for lack of enablement under 35 U.S.C. § 112?

44. Whether any of claims 1-3 and 13-15 of the '025 patent are invalid for lack of enablement under 35 U.S.C. § 112?

IV. 35 U.S.C. § 112 LACK OF WRITTEN DESCRIPTION

A. Issues of Fact

45. Whether the '363 patent and '025 patent (for claims 1-3) do not adequately describe the full range of claimed drug and surface modifier combinations claimed?

46. Whether the '025 patent (for claims 13-15) do not adequately describe the full range of claimed drug and liposome or colloidal polymeric combinations claimed?

47. Whether the '363 and '025 patents do not adequately describe particles consisting essentially of 0.1-90% by weight of surface modifier ('363 patent) or about 0.1 to about 99.9% by weight of surface modifier ('025 patent, claims 1-3)?

48. Whether the '025 patent does not adequately describe particles consisting essentially of about 0.1 to about 99.9% by weight of liposome or colloidal polymeric material ('025 patent, claims 13-15)?

49. If Elan asserts that the claims encompass such particles, whether the '363 and '025 patents do not adequately describe particles consisting essentially of up to 90% ('363 patent) or up to about 99.9% ('025 patent) amorphous medicament?

50. Whether the '363 and '025 patents do not adequately describe the claimed methods of the '025 patent in all mammalian species?

51. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid for lack of written description under 35 U.S.C. § 112?

52. Whether claims 1-3 and 13-15 of the '025 patent are invalid for lack of written description under 35 U.S.C. § 112?

V. 35 U.S.C. § 112 INDEFINITENESS

A. Issues of Fact

53. Whether the '363 patent claims 1, 3, 5, 10, and 11 and the '025 patent claims 1-3 and 13-15 claim terms "average effective particle size" and "effective average particle size" as defined in the patents and construed by the Court are mathematically impossible?

54. Whether the '363 patent claims 1, 3, 5, 10, and 11 and '025 patent claims 1-3 have no definite meaning because the claim term "sufficient to maintain" does not inform one of ordinary skill of the timeframe or conditions under which the "average effective" and "effective average" particle sizes must be maintained?

B. Issues of Law

55. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid for indefiniteness under 35 U.S.C. § 112, based on the terms "average effective particle size" and/or "sufficient to maintain?"

56. Whether any of claims 1-3 and 13-15 of the '025 patent are invalid for indefiniteness under 35 U.S.C. § 112, based on the terms "effective average particle size" and/or "sufficient to maintain?"

VI. DOUBLE PATENTING

A. Issue of Fact

57. Whether Elan obtained more than one patent for an obvious modification of the same invention?

B. Issue of Law

58. Whether any of claims 1, 3, 5, 10, and 11 of the '363 patent are invalid under the doctrine of obviousness-type double patenting in view of any of claims 1, 4, 6 and 15 of the '684 patent?

VII. INEQUITABLE CONDUCT

A. Issues of Fact

59. Whether during prosecution of the '363 patent, the applicants or their attorneys or representatives made material misstatements or withheld material information from the Patent Office?

60. If the '363 patent applicants or their attorneys or representatives made material misstatements or withheld material information from the Patent Office, whether the applicants or their attorneys or representatives intended to deceive or mislead the Patent Office?

61. Whether during prosecution of the '025 patent, the applicants or their attorneys or representatives made material misstatements or withheld material information from the Patent Office?

62. If the '025 patent applicants or their attorneys or representatives made material misstatements or withheld material information from the Patent Office, whether the applicants or their attorneys or representatives intended to deceive or mislead the Patent Office?

B. Issues of Law

63. Whether the degree of materiality of the misstatements or withheld information and the degree of intent on balance establishes inequitable conduct so as to make the '363 patent unenforceable?

64. Whether the degree of materiality of the misstatements or withheld information and the degree of intent on balance establishes inequitable conduct so as to make the '025 patent unenforceable?

VIII. UNCLEAN HANDS

A. Issues of Fact

65. Whether in bringing and maintaining this lawsuit, Elan has acted:

a. inequitably;

b. unfairly; or

c. deceitfully?

66. Whether Elan has conducted itself in this action in a manner that is:

a. inequitable;

b. unfair; or

c. deceitful?

B. Issue of Law

67. Whether the '363 patent is unenforceable due to Elan's unclean hands?

IX. DAMAGES AND WILLFUL INFRINGEMENT

A. Issue of Law

68. Whether Elan is precluded from recovering damages for the period before filing of terminal disclaimer, October 25, 2007?

B. Issues of Fact

69. If the '363 patent is valid, enforceable, and infringed, what is the amount of a reasonable royalty:

a. If from October 26, 2007?

b. If from February 2005?

70. Whether Abraxis willfully infringed, or willfully induced others to infringe, or willfully contributed to infringement by another of claims 3, 5, 10, and/or 11 of the '363 patent?

C. Issues of Law

71. If infringement is found, Elan's entitlement to and the proper rate for any prejudgment or post judgment interest?

72. If willful infringement is found, should the reasonable royalty be increased, and if so, how much?

73. Is this case exceptional under 35 U.S.C. § 285, entitling Abraxis to recover attorneys' fees?

EXHIBIT 4

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

EXHIBIT 4: PARTIES COMBINED EXHIBIT LIST

The following abbreviations are being used for the objections to proposed exhibits:

(A) Authenticity (901)
(B) Best Evidence Rule Prohibits Introduction
(C) Cumulative, Wasteful, or Undue Delay (FRE 403)
(H) Hearsay (FRE 801)
(I) Irrelevant and /or Immaterial (FRE 401-402)
(L) Lack of Personal Knowledge or Competency (FRE 602)
(O) Offer to Compromise, Settlement (FRE 408)
(P) Prejudicial, Confusing or Misleading (FRE 403)
(R) Reserved Because Exhibit Has Not Been Provided, the Copy Provided is Illegible, and/or the Entry Includes Multiple Documents
(W) Privileged/Work Product
(U) Untimely/Never Produced
(D) Demonstrative/should not be admitted into evidence
(M) Subject of Motion in Limine

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REDACTED

(X) Incomplete Document
(S) Prejudicial due to the unnecessary disclosure of Abraxis's Secret Manufacturing Information

Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
JX001 (PX119, DX114)	ABRX-MERK0000295	ABRX-MERK0000370	Contract - Technology Transfer and License Agreement among Merk and Elan	7/26/1999		I, P, C	
JX002 (PX120, DX145)	ABRX-MERK0000379	ABRX-MERK0000398	Contract - Development and License Agreement between Merk and NanoSystems	4/1/1997			
JX003 (PX129, DX026)	ABRX0003116	ABRX0003119	Article - "Abraxane an Advance on Taxol in Metastatic Breast Cancer"	7/16/2004			
JX004 (PX145, DX035)	ABRX0078827	ABRX0078837	[redacted]				
JX005 (PX151, DX036)	ABRX0117143	ABRX0117419	[redacted]	9/30/1997			P (403), (X) rule of completeness
JX006 (PX152, DX037)	ABRX0117420	ABRX0117555	[redacted]	4/25/2003			P (403), (X) rule of completeness
JX007 (PX162: DX039)	ABRX0149444	ABRX0149472	[redacted]	8/30/1995	Desai 2 Desai 28		X (403)
JX008 (PX179, DX044)	ABRX0151870	ABRX0151933	[redacted]	12/22/2000			P (403) (rule of completeness)

[1] Abraxis objects to Elan's mischaracterization of exhibits in its exhibit list. Such mischaracterizations would prejudice Abraxis if perpetuated during trial before the Court and/or the jury.

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
JX009 (PX209, DX055)	ABRX0220111	ABRX0220359	[redacted]				
JX010 (PX215, DX057)	ABRX0221467	ABRX0221561	USPTO Office Action from US Patent Application Serial No 10/146,078	5/14/2002			H (802), I (402), P (403)
JX011 (PX21, DX058)	ABRX0221991	ABRX0221992	[redacted]	5/9/2005			
JX012 (PX276, DX059)	ABRX0257340	ABRX0257354	[redacted]				
JX013 (PX279, DX061)	ABRX0267259	ABRX0267276	[redacted]				
JX014 (PX029, DX178)	BARICH0000010	BARICH0000016	CV - Dewey H Barich			P, I, U, M	
JX015 (PX293, DX065)	ABRX0279513	ABRX0279517	[redacted]	1/17/2006	Manning 8		
JX016 (PX299, DX068)	ABRX0290266	ABRX0290269	[redacted]	11/21/2006		P, I, M	
JX017 (PX030, DX176)	BARICH0000088	BARICH0000102	Article - Thomas J Offehdahl, Quantitation of Crystalline and Amorphous Forms of Anhydrous Neotame using 13C CPMAS NMR Spectroscopy	7/13/2005	Barich 2	P, U, M	
JX018 (PX301, DX69)	ABRX0296424	ABRX0296439	[redacted]		Atwood 7		
JX019 (PX309,	ABRX0478762	ABRX0478774	Article - William J Gradishar, "Albumin-bound paclitaxel: a next-generation taxane" Expert Opin Pharmacother	1/1/2006			H (802), Opinion (702), I (402)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
DX72)			7(8):1041-53 (2006)				
JX020 (PX320, DX77)	ABRX0523602	ABRX0523693	[redacted]	8/28/1996	Desai 25 Soon-Shiong 6		X (403)
JX021 (PX322, DX081)	ABRX0525091	ABRX0525337	[redacted]	9/4/1996		P, X	X (403)
JX022 (PX325, DX088)	ABRX0528113	ABRX0528134	[redacted]	05/23/2007			
JX023 (PX333, DX114)	ABRX0533089	ABRX0533100	[redacted]	3/6/2003			
JX024 (PX339, DX160)	ATWOOD0000284	ATWOOD0000288	Article - United States Pharmacopeia USP 941 XRPD	1/1/2005			H (802)
JX025 (PX352, DX090)	ABRX0528273	ABRX0528309	[redacted]	06/03/1993			
JX026 (PX356, DX116)	ABRX0536609	ABRX0536645	[redacted]			P, R	R (multiple docs) P (403); H (802); I (402)
JX027 (PX357, DX048)	ABRX0168182	ABRX0168197	[redacted]				
JX028 (PX359, DX089)	ABRX0528243	ABRX0528272	[redacted]	08/21/1996			
JX029 (PX360, DX038)	ABRX0149040	ABRX0149043	[redacted]				X (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrax Obj.	Elan Obj.
JX030 (PX049, DX217)	ELANP0037308	ELANP0037397	Contract - License and Option Agreement bewteen Elan Corporation plc, Elan Pharma International Limited and Fournier Laboratories Ireland Limited	10/31/2002			
JX031 (PX490, DX82)	ABRX0527218	ABRX0527473	[redacted]	08/18/1992			X (403)
JX032 (PX051; DX218)	ELANP0037594	ELANP0037650	Contract - License Agreement between Elan Pharma International Limited and Janssen Pharmaceutica	7/31/2003		I, P, C	
JX033 (PX053, DX219)	ELANP0037705	ELANP0037740	Contract - License Agreement between Elan Pharma International Limited and Lyotropic Therapeutics, Inc	8/17/2004			
JX034 (PX055, DX220)	ELANP0037784	ELANP0037817	Contract - License Agreement between Elan Pharma International Limited and MAP Pharmaceuticals, Inc	4/9/2004			
JX035 (PX056, DX221)	ELANP0037929	ELANP0037964	Contract - Development and License Agreement between NanoSystems LLC and Mimetix Inc	1/16/1996			
JX036 (PX064, DX329)	ELANP0316166	ELANP0316226	Contract - License Agreement between Elan Pharma International Limtied and Janssen Pharmecutica NV	7/31/2003			
JX037 (PX069, DX330)	ELANP0316558	ELANP0316580	Report - In Vivo Evaluation of Nanosystems Inc Nanoparticle Taxol	6/6/1995			
JX038 (PX088, DX342)	JAROSZ0006726	JAROSZ0006730	Web page - News Release "Abraxis BioScience Announces Plan to Separate Into Two Independent Public Companies"	7/2/2007			
JX039 (PX621, DX017)	ABRX0000143	ABRX0000241	File History of U.S. Patent No. 5,399,363 (Liversidge et al.)	03/21/1995		Reserved	
JX040 (PX622,	ABRX0000242	ABRX0000332	File History of U.S. Patent No. 5,834,025 (de Garavilla et al)	11/10/1998		Reserved	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
DX018)							
JX041 (PX623, DX117)	ABRX0536649	ABRX0536659	[redacted]			Reserved	H (802)
JX042 (PX290, DX064)	ABRX0279367	ABRX0279376	[redacted]				
JX043 (PX645, DX352)	JAROSZ0013491	JAROSZ0013505	Chart - Emend (Aprepitant) Royalty Payment to Elan 2nd Qtr 2007			Reserved	
JX044 (PX646, DX353)	JAROSZ0013537	JAROSZ0013537	Chart - Par Pharmaceutical Companies, Inc. - Megestrol ES Sales and Royalty Report			Reserved	
JX045 (PX041, DX210)	ELANP0036093	ELANP0036106	CV - Gary G Liversidge		G Liversidge 18		
JX046 (PX042, DX212)	ELANP0036259	ELANP0036266	Article - Elaine Merisko-Liversidge, et al, "Nanosizing: a formulation approach for poorly-water-soluble compounds"	11/18/2002	E Cooper 11		
JX047 (PX043, DX214)	ELANP0036387	ELANP036393	Article - E Merisko-Liversidge, et al, "Formulation and Antitumor Activity Evaluation of Nanocrystalline Suspensions of Poorly Soluble Anticancer Drugs"	1/1/1996	G Liversidge 23		
JX048 (PX624, DX369)	MUNSON0002203	MUNSON0002203	Munson ssNMR time domain files			Reserved	
PX001			Volker Wagner et al., "The emerging nanomedicine landscape,"Nature Biotechnology 24:1211 - 1217 (2006)			U, C, P	
PX002			European Medicines Agency, Evaluation of Medicines for Human Use, Assessment Report for Abraxane			U, I, C, P, H	
PX003			Article - Ramesh Panchagnula, "Pharmaceutical aspects of paclitaxel,"International J of Pharmaceutics 172 (1998) 1-15			U, I, P	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX004			Bastiaan Nuijen, et al., "Progress in the development of alternative pharmaceutical formulations of taxanes," Investigational New Drugs 19:143-153, 2001			U, I, P	
PX005			Rule 1006 summary of the following documents: Article - Neil Desai, et al., "Increased Antitumor Activity, Intratumoral Paclitaxel Concentrations, and Endothelial Cell Transport of Cremophor-Free, Albumin-Bound Paclitaxel, ABI-007, Compared with Cremophor-Based Paclitaxel" Clin Cancer Res 12(4); 2006, pp. 1317-1324 (ABRX0147573) [redacted](ABRX0041628)				
PX006			Rule 1006 summary of the following documents: Article - Neil Desai, et al., "Increased Antitumor Activity, Intratumoral Paclitaxel Concentrations, and Endothelial Cell Transport of Cremophor-Free, Albumin-Bound Paclitaxel, ABI-007, Compared with Cremophor-Based Paclitaxel" Clin Cancer Res 12(4); 2006, pp. 1317-1324 (ABRX0147573) [redacted](ABRX0220111) [redacted](ABRX0041776) Study - "Comparison of Effects of ABI-007 and Taxol® in Athymic Nude Mice with PC3 Human Prostate Tumor Xenografts" Study performed by Southern Research Institute, Birmingham, AL. June 25, 2001 (ABRX0071454) Study - "Comparison of Effects of ABI-007 and Taxol® in Athymic Nude Mice with NCI H522 Lung Tumor Xenografts" Study performed by Southern Research Institute, Birmingham, AL. June 11, 2001 (ABRX0071478)				
PX007			1006 Summary of the following documents: ELANP0317763-802 ELANP0036698-756 ELANP0036570-633 ELANP0036757-814 ELANP0036634-697			H, I, P, D, C	

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			WYE0001				
			WYE0181				
			ELANP0319096-124				
			ELANP0036921-961				
			ELANP0036965-010				
			ELANP0036962-964				
			ELANP0037011-074				
			ELANP0314471-522				
			ELANP0312326.001-381				
			ABRX-CHEM0000270-300				
			ELANP0037127-144				
			ABRX-ENTRA0000002-48				
			ABRX-ROCHE0000182-224				
			ABRX-ROCHE0000028-79				
			ELANP0037520				
			ELANP0037308-397				
			ABRX-IMCOR0000200-20				
			ABRX-INGR0000002-32				
			ELANP0316229-304				
			ELANP0316305-349				
			ELANP0316166-226				
			ELANP0037594-650				
			ELANP0037651-704				
			ELANP0037705-740				
			ELANP0037784-817				
			ELANP0037741-783				
			ABRX-MERK0000410-428				
			ABRX-MERK0000379-398				
			ABRX-MERK0000159-216				
			ABRX-MERK0000295-348				
			ABRX-MERK0000018-76				
			ELANP0037965-984				

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			ELANP0037929-964 ELANP0037965-984 ABRX-NYCO0000003-27 ELANP0037985-8022 ELANP0038023-061 ABRX-IMCOR0000037 ABRX-IMCOR0000193-99 ABRX-IMCOR0000069-97 ELANP0316350-381 ELANP0036553-564 ELANP0036565-569				
PX008			1006 Summary of the following documents: ELANP036698-756 ELANP036570-633 ELANP036757-814 ELANP036634-697 ELANP036921-961 ELANP036965-010 ELANP036962-964 ELANP037011-074 ELANP0314471-522 ABRX-CHEM0000270-300 ELANP037127-144 ABRX-ENTRA0000002-48 ABRX-ROCHE0000182-224 ABRX-ROCHE0000028-79 ELANP037308-397 ABRX-IMCOR0000200-20 ELANP0316229-304 ELANP0316305-349 ELANP0316166-226			I, P, D, H, U, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			ELANP037651-704 ELANP037784-817 ELANP037741-783 ABRX-MERK0000410-428 ABRX-MERK0000379-398 ABRX-MERK0000159-216 ABRX-MERK0000295-348 ELANP037965-984 ELANP037965-984 ABRX-NYCO0000003-27 ELANP037985-8022 ELANP038023-061 ABRX-IMCOR0000193-99 ABRX-IMCOR0000069-97 ELANP0316350-381 ELANP036553-564 ELANP036565-569				
PX009			Rule 1006 summary of the following documents: Article – Neil Desai, Ph.D., Vice President R&D, "The nanoparticle albumin bound (nab) technology: Abraxane and SPARC" (ABRX0287612)Presentation - Neil Desai, "Research Overview" (ABRX0287163) [redacted] (ABRX0123712) [redacted](ABRX0224829) Transcript - Michael Hawkins, NCI's Nanotech Seminar Series, "Abraxane: Nanoparticle platform delivers improved antitumor activity," January 24, 2006 Article - William J. Gradishar, "Albumin-bound paclitaxel: a next-generation taxane" Expert Opin. PHarmacother. 7(8):1041-53 (2006) (ABRX0478762)			H, I, P, D, U	

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrx Obj	Elan Obj
			Presentation - Michael Hawkins, NCI's Nanotech Seminar Series, "Abraxane: Nanoparticle platform delivers improved antitumor activity," January 24, 2006 (ABRX0220489) Presentation - Michael Hawkins, Summary of Abraxane Briefing, Presented, St. Gallen, March 14, 2007 (ABRX0481353) [redacted] (ABRX0273421) [redacted] (ABRX0392117)				
PX010			1006 Summary of the following documents: IND 55974, Attachment VII.B.6.4.(a) (ABRX0117143) IND 55974, Attachment VII.C.6.4.(b) (ABRX0117143) IND 55974, Attachment VII.C.6.4.(c) (ABRX0117143) IND 55974, Attachment VII.C.6.4.(d) (ABRX0117143) IND 55974, Attachment VII.C.6.4.(e) (ABRX0117143) NDA 21660, FDA Meeting Information Package - December 22, 2000, Appendix A (ABRX0151870)			P, D	
PX011			1006 Summary of the following documents: Article - Desai et al., "Increased Antitumor Activity, Intratumor Paclitaxel Concentrations, and Endothelial Cell Transport of Cremophor-Free, Albumin-Bound Paclitaxel, ABI-007, Compared with Cremophor-Based Paclitaxel." Clin Cancer Res 2006;12(4). (ABRX0147573) Study - "Toxicity Determination and Efficacy Studies of VivoRx Compounds Capxol VR-3 and Capxol VR-4" Performed by Southern Research Institute (ABRX0071393) Study - "Anticancer Efficacy Evaluation of American Biosciences Compound ABI-007, ABI-007HC, and ABI-007LC Against SK-OV-3 Ovarian Tumor Xenograft in Athymic Nude Mice" Performed by Southern Research Institute (ABRX0071508) Study - "Comparison of Effects of ABI-007 and Taxol® in Athymic Nude Mice with PC3 Human Prostate Tumor			I, P, D	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
			Xenografts" Performed by Southern Research Institute (ABRX0071454) Study - "Anticancer Efficacy Evaluation of American Biosciences Compound ABI-007 Against HT29 Colon Tumor Xenograft in Athymic Nude Mice" Performed by Southern Research Institute (ABRX0071430)				
PX012			1006 Summary of the following documents: Article - "In Vivo Evaluation of Nanosystems Inc. Nanoparticle Taxol" Study performed by Cancer Therapy and Research Center, Institute for Drug Development, San Antonio, TX. June 6, 1995 (ELANP0316558) Article - "In Vivo Evaluation of Nanosystems, Inc. Nanoparticle Taxol Against the Upstaged MV-522 Human Lung Cancer Xenograft" Study performed by Cancer Therapy and Research Center, Institute for Drug Development, San Antonio, TX. November 12, 1996 (ELANP0022787)			H, I, P, D	
PX014	ABRX0497648	ABRX049691	[redacted]			S, R, I, P	
PX015	ABRX0491835	ABRX0491946	[redacted]			S, R, C, I	
PX016	ABRX0496832	ABRX0496872	[redacted]			S, R, I, P, C	
PX017	ABRX0490320	ABRX0490596	[redacted]			S, R, I, P, C	
PX018	ABRX0521910	ABRX0521912	[redacted]			S, R, I, P	
PX019	ABRX0519205	ABRX0519293	[redacted]	7/25/2000	L Louie 9	S, R, P, C	
PX020	ABRX0516060	ABRX0516114	[redacted]			S, R, I,	
PX021	ABRX0498275	ABRX0498278	[redacted]	3/24/2006		S, R, P	
PX022	ABRX0498380	ABRX0498403	[redacted]			S, R, C	
PX023	ABRX0491613	ABRX0491784	[redacted]			S, C, R	

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrax Obj.	Elan Obj.
PX025	ABRX0526584 ABRX0526628 ABRX0526650 ABRX0526655 ABRX0526668 ABRX0526680	ABRX0526585 ABRX0526628 ABRX0526650 ABRX0526655 ABRX0526668 ABRX0526680	[redacted]	9/7/1996		S, R, P, I	
PX026	ABRX0527005	ABRX0527217	[redacted]	11/6/1997		S, R, P, I, C	
PX027	ABRX0049667	ABRX0049693	[redacted]	5/17/2006		S, R, I, C	
PX028	000025 000027 000035	000025 000027 000041	Order and Memorandum Opinion: The Board of Education (on behalf of the Board of Trustees of Florida State University), et al v American BioScience and Chunlin Tao; Case No 4:99cv131/RV		Desai 1	P, I, C, U, X	
PX031	BERKLAND00006 27	BERKLAND00008 85	Transcript - FDA Nanotechnology Task Force, "Public Meeting on Nanotechnology Materials in FDA Regulated Products"	10/10/2006			
PX032	BERKLAND00016 24	BERKLAND00016 29	CV - Cory Berkland	9/28/2007		R	
PX033	BRITTAIN0002518	BRITTAIN0002537	Data - Dr Munson's SSNMR Testing			P, I, M	
PX034	BRITTAIN0002513	BRITTAIN0002517	Article - Thomas J Offerdahl and Eric J Munson, et al, "Solid-State NMR Spectroscopy of Pharmaceutical Materials"	01/00/2004		P, I, M	
PX035	MUNSON0002444	MUNSON0002462	CV - Eric Jon Munson	11/19/2007		I, M	
PX036	BYRN0000391	BYRN0000439	CV - Harry G Brittain	5/1/2007			
PX037	BYRN0003569	BYRN0003600	CV - Stephen R Byrn				
PX038			Certified Copy of US Patent 5,399,363 ('363 patent)	3/21/1995		R	
PX039	ELANP0017750	ELANP0017751	E Liversidge Memo re: Final MV522	4/20/1995			
PX040	ELANP0022787	ELANP0022802	Report - In Vivo Evaluation of Nanosystems, Inc Nanoparticle Taxol Against the Upstaged MV-522 Human Lung Cancer Xenograft (Nov 12, 1996)	11/12/1996		H	
PX044	ELANP0036698	ELANP0036756	Contract - Development and License Agreement No 1	5/9/1997	D Czekai 27		

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
			between NanoSystem LLC and American Home Products Corporation				
PX045	ELANP0036921.001	ELANP0036921.041	Contract - Development, License and Supply Agreement between NanoSystems LLC and Astro Draco AB	2/28/1997		I, P, C	
PX046	ELANP0036965.001	ELANP0036965.046	Contract - License Agreement between Elan Pharma International Limited and Aventis Pharma SA	12/19/2003			
PX047	ELANP0037011	ELANP0037074	Contract - Development, License and Supply Agreement between Boehringer Ingelheim International GMBH and Nanosystems LLC	12/12/1997		I, P, C	
PX048	ELANP0037127	ELANP0037144	Contract - Product Development Agreement with Option to License between Elan and CRT	7/21/2003		I, P, C	
PX050	ELANP0037520	ELANP0037562	Contract - License Agreement bewteen Elan Pharma International Limited and F Hoffman-La RocheLtd and Hoffman-La RocheInc				
PX052	ELANP0037651	ELANP0037704	Contract - License Agreement between Elan Pharma International Limited and Lymphosign Inc and Lymposign AG	8/2/2006			
PX054	ELANP0037741	ELANP0037783	Contract - License Agreement between Elan Pharma International Limited and MAP Pharmaceuticals, Inc	2/3/2005		I, P, C	
PX057	ELANP0037965	ELANP0037984	Contract - Development and License Agreement between NanoSystems LLC and Muro Pharmaceutical, Inc	8/29/1996		I, P, C	
PX058	ELANP0038023	ELANP0038061	Contract - License Agreement between Elan Pharma International Limited and Par Pharmaceutical, Inc	11/18/2002			
PX059	ELANP0148444	ELANP0148444	Email - Neil Desai to Gary Liversidge re WBC2000 Conference in Hawaii	5/31/2007		I, P	
PX060	ELANP0184789	ELANP0184806	Report - Biostudy No: AN 1101002, "The evaluation of novel, NanoCrystal formulations of Paclitaxel following administratino to teh conscious rat model"	6/15/2007	Taft 8		
PX061	page 1 page 13 page 30 page 43	page 3 page 16 page 34 page 43	Transcript - Michael Hawkins, MD, Chief Medical Officer, American Bioscience, Inc, Presentation to NCI's Nanotech Seminar Series, "Abraxane: Nanoparticle platform delivers improved antitumor activity," January 24, 2006			U, I, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Dep. Ex.	Abrxs Obj.	Elan Obj.
PX062			Video - Michael Hawkins, MD, Chief Medical Officer, American Bioscience, Inc, Presentation to NCI's Nanotech Seminar Series, "Abraxane: Nanoparticle platform delivers improved antitumor activity," January 24, 2006	1/24/2006		U, I, H, R, C	
PX063	ELANP0314471	ELANP0314522	Contract - Licenes Agreement between Elan Pharma International Limtied, Elan Drug Delivery, Inc and Bristol-myers squibb Company				
PX065	ELANP0316227	ELANP0316304	Contract - Agreement between Janssen Pharmeeutica NV and Elan Pharma International Limited	9/20/2000		I, P, C	
PX066	ELANP0316422	ELANP0316425	Letter re Dr Von Hoff to serve on NanoSystems' advisory board	1/25/1995		I, P	
PX067	ELANP0316426	ELANP0316435	Contract - Confidentiality Agreement between NanoSystems and Dr Von Hoff	1/5/1995		I, P	
PX068	ELANP0316436	ELANP0316449	Contract - Memorandum of Agreement Establishing a Research Grant-in-Aid between NanoSystems and The Pennsylvania State University	4/19/1995		I, P	
PX070	ELANP0317002 ELANP0317181	ELANP0317002 ELANP0317206	Transcript - FDA Public Meeting of Nanotechnology Task Force, October 10, 2006	10/10/2006	Desai 2	C	
PX071	ELANP0317763	ELANP0317802	Contract - License Agreement between Abbott Pharmaceutical PR Ltd and Elan Pharma international Limited	6/28/2006			
PX072	ELANP0319096	ELANP0319124	Contract - License Agreement between Elan Pharma international Limited and Ashni Newco, Ltd	1/21/2000		I, P, C	
PX073	HAIDAK0000221	HAIDAK0000228	CV - David J Haidak				
PX074	JAROSZ0000729	JAROSZ0000730	SEC - Abraxis BioScience, Inc 10K 2006 p 12	8/28/2007		C, P, X	
PX075	JAROSZ0000739	JAROSZ0000741	SEC - Abraxis BioScience, Inc 10K 2001 pp 18-19	8/28/2007		X	
PX076	JAROSZ0000742	JAROSZ0000744	SEC - Abraxis BioScience, Inc 10K 2002 pp 26-27	8/28/2007		X	
PX077	JAROSZ0000745	JAROSZ0000747	SEC - Abraxis BioScience, Inc 10K 2003 pp 30-31	8/28/2007		X	
PX078	JAROSZ0000748	JAROSZ0000750	SEC - Abraxis BioScience, Inc 10K 2004 pp 29-30	8/28/2007		X	

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex	Abrxs Obj.	Elan Obj
PX079	JAROSZ0000751	JAROSZ0000752	SEC - Abraxis BioScience, Inc 10K 2005 p 32	8/28/2007		X	
PX080	JAROSZ0000753	JAROSZ0000754	SEC - Abraxis BioScience, Inc 10K 2006 p 32	8/28/2007		C, X	
PX081	JAROSZ0006040	JAROSZ0006041	SEC - Abraxis BioScience, Inc 10K 2006 p 83	12/31/2006		C, X	
PX082	JAROSZ0006042	JAROSZ0006043	SEC - Abraxis BioScience, Inc 10Q 2007 p 12	5/10/2007		C, X	
PX083	JAROSZ0006044	JAROSZ0006045	SEC - Abraxis BioScience, Inc 10Q 2007 p 14	8/9/2007		C, X	
PX084	JAROSZ0006047	JAROSZ0006049	SEC - Abraxis BioScience, Inc 10K 2006 p 12	12/31/2006		X	
PX085	JAROSZ0006050	JAROSZ0006051	SEC - Abraxis BioScience, Inc 10K 2006 p 83	12/31/2006		C, X	
PX086	JAROSZ0006620	JAROSZ0006715	SEC - Abraxis BioScience, Inc 10K 2006	12/31/2006			
PX087	JAROSZ0006718	JAROSZ0006719	SEC - Abraxis BioScience, Inc 10K 2006 p 4	12/31/2006		C, X	
PX089	JAROSZ0006731	JAROSZ0006791	SEC - Abraxis BioScience, Inc 10Q 2007	8/9/2007			
PX090	JAROSZ0006797	JAROSZ0006799	SEC - Abraxis BioScience, Inc 10Q 2007 p 19	8/9/2007		C, X	
PX091	JAROSZ0006894	JAROSZ0006895	SEC - Abraxis BioScience, Inc 10Q 2006 p 7	12/31/2006		C, X	
PX092	JAROSZ0006922	JAROSZ0006923	Article - Kevin Bottomley, "Nanotechnology for Drug Delivery: a Validated Technology?"	1/1/2006		I, P	
PX093	JAROSZ0006944	JAROSZ0006945	SEC - Abraxis BioScience, Inc 10K 2006 p 5	12/31/2006		X	
PX094	JAROSZ0007035	JAROSZ0007036	SEC - Abraxis BioScience, Inc 10K 2006 p 11	12/31/2006		C, X	
PX095	JAROSZ0008443	JAROSZ0008444	SEC - Abraxis BioScience, Inc 10K 2005 p 22	12/31/2005		X	
PX096	JAROSZ0009445	JAROSZ0009446	SEC - Abraxis BioScience, Inc 10K 2006 p 9	12/31/2006		C, X	
PX097	JAROSZ0009447	JAROSZ0009448	SEC - Abraxis BioScience, Inc 10K 2006 p 8	12/31/2006		C, X	
PX098	JAROSZ0009690	JAROSZ0009691	SEC - Abraxis BioScience, Inc 10K 2006 p 11	12/31/2006		C, X	
PX099	JAROSZ0010043	JAROSZ0010044	SEC - Abraxis BioScience, Inc 10K 2006 p 7	12/31/2006		C, X	
PX100	JAROSZ0011483	JAROSZ0011499	CV - John C Jarosz	6/30/2006			
PX101	MANIAR0000002	MANIAR0000009	CV - Manoj Maniar(part 2)				

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abbvx Obj.	Elan Obj.
PX102	MANIAR0000010	MANIAR0000013	CV - Manoj Maniar(part 1)				
PX103	MANNING0000244	MANNING0000304	CV - Mark C Manning	9/28/2007	Manning 2	R	
PX104	MUNSON0002358	MUNSON0002372	Article - T J Offerdahl, et al, "Quantitation of Crystalline and Amorphous Forms of Anhydrous Neotame using CPMAS NMR Spectroscopy"	7/13/2005		C, P, U, M	
PX105	ROCHE-000006	ROCHE-000024	Contract - Services Agreement between Elan Pharma International Limited and F Hoffman-La RocheLtd and Hoffmann-La RocheInc	1/6/2005		I, P, C	
PX106	ROCHE-000025	ROCHE-000076	Contract - License Agreement between Elan Pharma International Limited and F Hoffman-La RocheLtd and Hoffmann-La RocheInc	1/6/2005		I, P, C	
PX107	ROCHE000102	ROCHE-000139	Contract - Services and Manufacturing Agreement between Elan Drug Delivery Inc and F Hoffman-La RocheLtd and Hoffmann-La RocheInc	5/24/2004		I, P, C	
PX108	ROCHE-000179	ROCHE-000221	Contract - License Agreement between Elan Pharma International Limited and F Hoffman-La RocheLtd and Hoffmann-La RocheInc	4/14/2004		C	
PX109	TAFT0017048	TAFT0017053	CV - David Robert Taft				
PX110	WYE0001	WYE0058	Contract - Development and License Agreement No 1 Between NanoSystems LLC and American Home Products Corp	5/9/1997		I, P, C	
PX111	WYE0181	WYE0244	Contract - Amended and Restated Development and License Agreement No 2 Between NanoSystems LLC and American Home Products Corporation	8/19/1998		I, P, C	
PX112	ELANP0094853	ELANP0094908	NDA 21660 - "Abraxane: For the adjuvant treatment of node-positive breast cancer administered sequentially to standard doxorubicin-containing combination chemotherapy" Briefing Package for the ODAC Meeting, September 7, 2006	9/7/2006	Desai 4 (color version)	R	
PX113	ABRX-CHEM0000270	ABRX-CHEM0000300	Contract - License Agreement between Elan Corporation, PLC, Elan Pharma International Limited, ChemGenex Therapeutics, Inc, and ChemGenex Newco, Ltd	4/20/2001		I, P, C	

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
PX114	ABRX-ENTRA0000002	ABRX-ENTRA0000079	Contract - License Agreement between Elan Pharma International and Entremed, Inc	8/2/2007		I, P, C, H	
PX115	ABRX-IMCOR0000037	ABRX-IMCOR0000068	Contract - License Agreement between Elan Pharma International and Photogen Newco Ltd	10/20/1999		I, P, C	
PX116	ABRX-IMCOR0000147	ABRX-IMCOR0000255	Contract - Imcor/Elan Joint Venture Termination	6/9/2004		I, P, C	
PX117	ABRX-INGR0000002	ABRX-INGR0000032	Contract - License Agreement between Elan Pharma International and Ingredient Innovations International Company	2/28/2003		I, P, C	
PX118	ABRX-MERK0000018	ABRX-MERK0000076	Contract - Technology Transfer and License Agreement among Merk and Nanosystems	7/29/1998		I, P, C	
PX121	ABRX-MERK0000410	ABRX-MERK0000428	Contract - Development and License Agreement between Merk and NanoSystems	1/1/1996		I, P, C	
PX122			Certified Copy of US Patent 5,145,684 ('684 patent)	9/8/1992		R	
PX124	ABRX0000386	ABRX0000412	US Patent 5,091,188 (Haynes patent)	2/25/1992	Byrn4		
PX125	ABRX0000822	ABRX0000825	Package Insert - Abraxane label 1/2005	1/1/2005			
PX126	ABRX0002283	ABRX0002285	Web page - Abraxane "Reconstitution and Administration"	10/1/2006			
PX127	ABRX0002335	ABRX0002337	Web page - Abraxane "Glossary"	10/1/2006			
PX128	ABRX0003082	ABRX0003115	[redacted]	9/7/2006	M Hawkins 6 (7/6 & 11/15); J Lisano 12	R, C	
PX130	ABRX0003133	ABRX0003133	[redacted]	1/1/2004		P, X, C	
PX131	ABRX0003269	ABRX0003271	[redacted]	3/4/2004			
PX132	ABRX0003272	ABRX0003279	[redacted]	3/4/2004		R	
PX133	ABRX0003280	ABRX0003280	[redacted]	3/4/2004			
PX135	ABRX0041628	ABRX0041775	[redacted]	2/11/2004			

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
PX136	ABRX0041776	ABRX0041806	[redacted]	2/14/2004			
PX137	ABRX0042167	ABRX0042171	[redacted]				
PX138	ABRX0071393	ABRX0071429	Study - "Toxicity Determination and Efficacy Studies of VivoRx Compounds Capxol VR-3 and Capxol VR-4" Performed by Southern Research Institute	4/28/1997			
PX139	ABRX0071430	ABRX0071453	Study - "Anticancer Efficacy Evaluation of American Biosciences Compound ABI-007 Against HT29 Colon Tumor Xenograft in Athymic Nude Mice" Performed by Southern Research Institute	10/1/2002			
PX140	ABRX0071454	ABRX0071477	Study - "Comparison of Effects of ABI-007 and Taxol® in Athymic Nude Mice with PC3 Human Prostate Tumor Xenografts" Performed by Southern Research Institute	6/25/2001			
PX141	ABRX0071478	ABRX0071507	Study - "Comparison of Effects of ABI-007 and Taxol® in Athymic Nude Mice with NCI H522 Lung Tumor Xenografts" Performed by Southern Research Institute	6/11/2001			
PX142	ABRX0071508	ABRX0071546	Study - "Anticancer Efficacy Evaluation of American Biosciences Compound ABI-007, ABI-007HC, and ABI-007LC Against SK-OV-3 Ovarian Tumor Xenograft in Athymic Nude Mice" Performed by Southern Research Institute	7/18/2001			
PX143	ABRX0073365	ABRX0073371	Article - "Phase I and Pharmacokinetic Study of ABI-007, a Cremophor-free, Protein-stabilized, Nanoparticle Formulation of Paclitaxel"	5/1/2002			
PX144	ABRX0076963	ABRX0076989	[redacted]	5/12/1998			
PX146	ABRX0079923	ABRX0079927	[redacted]	11/2/1998			
PX147	ABRX0083461	ABRX0083515	[redacted]	12/22/2000			
PX148	ABRX0107547	ABRX0107567	Package Insert - Abraxane 1/7/05	1/7/2005			
PX149	ABRX0111017	ABRX0111019	[redacted]	6/20/2005			
PX150	ABRX0111839	ABRX0111846	[redacted]	9/19/2005			

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrcs. Obj.	Plan. Obj.
PX153	ABRX0121073	ABRX0121077	[redacted]	12/22/2006	Desai 20 Soon-Shiong 7	P, I, M	
PX154	ABRX0121079	ABRX0121136	[redacted]	1/9/2007		P, I, M	
PX155	ABRX0121139	ABRX0121167	[redacted]	1/17/2007		P, I, M	
PX156	ABRX0123712	ABRX0123767	[redacted]	9/7/2006	J Lisano 11	C	
PX157	ABRX0147573	ABRX0147580	Article - Neil Desai, et al, "Increased Antitumor Activity, Intratumoral Paclitaxel Concentrations, and Endothelial Cell Transport of Cremophor-Free, Albumin-Bound Paclitaxel, ABI-007, Compared with Cremophor-Based Paclitaxel"	2/15/2006	C Tao 3		
PX158	ABRX0147630	ABRX0147631	[redacted]			R	
PX159	ABRX0147692	ABRX0147694	[redacted]	4/14/2006	Desai 19	P, I, M, X	
PX160	ABRX0148725	ABRX0148762	[redacted]	11/10/1994			
PX161	ABRX0149228	ABRX0149234	[redacted]	11/6/1997		P, I	
PX163	ABRX0150543.001 ABRX0151586 ABRX0151587 ABRX0151588 ABRX0151589 ABRX0151591 ABRX0151592	ABRX0150543.003 ABRX0151586 ABRX0151587 ABRX0151588 ABRX0151589 ABRX0151591 ABRX0151592	[redacted]	6/2/2003		R, X	
PX164	ABRX0150566	ABRX0150566	[redacted]	6/20/2002			
PX165	ABRX0151301	ABRX0151301	Certificate of Analysis - Human Albumin	12/10/1999		C, H, I, P	
PX166	ABRX0151335	ABRX0151335	[redacted]	7/31/2003			

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX167	ABRX0151336	ABRX0151337	[redacted]	6/11/2001			
PX168	ABRX0151340	ABRX0151340	[redacted]	10/5/1998			
PX169	ABRX0151341	ABRX0151341	[redacted]	1/14/2002		X	
PX170	ABRX0526116	ABRX0526116	Article - NP Desai, et al "Controlled and targeted drug delivery with biocompatible protein shell microspheres"	4/5/1994		C, R	
PX171	ABRX0151479	ABRX0151480	[redacted]	10/21/2002	Berkland 8	P, X	
PX172	ABRX0151512	ABRX0151513	[redacted]	12/13/2002	Berkland 9	P, X	
PX180	ABRX0152720.001	ABRX0152725	[redacted]	12/23/2003			
PX181	ABRX0152917	ABRX0152917	[redacted]	3/25/2003			
PX182	ABRX0152925	ABRX0152925	[redacted]	4/17/2006			
PX183	ABRX0152926	ABRX0152926	[redacted]	2/29/2000			
PX184	ABRX0152982	ABRX0152982	[redacted]	1/15/2003			
PX185	ABRX0152983	ABRX0152983	[redacted]	1/20/2003			
PX186	ABRX0153042	ABRX0153062	[redacted]	5/23/2006			
PX187	ABRX0153647	ABRX0153647	[redacted]	11/21/2002			
PX188	ABRX0153648	ABRX0153648	[redacted]	11/21/2002		R	
PX189	ABRX0153649	ABRX0153649	[redacted]	11/21/2002		R	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX190	ABRX0153667	ABRX0153680	[redacted]	3/17/2003		R	
PX191	ABRX0153681	ABRX0153692	[redacted]	1/14/2003			
PX192	ABRX0154391	ABRX0154664	[redacted]	6/12/2003		C	
PX201	ABRX0167225	ABRX0167265	[redacted]	2/14/2007		I	
PX202	ABRX0167272	ABRX0167297	Package Insert - Abraxane 1/2007	01/00/2007			
PX203	ABRX0168178	ABRX0168181	[redacted]	8/21/1996	Desai 24Soon-Shiong 13	P, I	
PX204	ABRX0168999	ABRX0169111	[redacted]				
PX205	ABRX0171833	ABRX0171897	Article - Daniel C Carter and Joseph X ho, "Structure of Serum Albumin" Advances in Protein Chemistry vol 45, Verne N Schumaker, ed	00/00/1994			
PX206	ABRX0171908	ABRX0171914	Article - Jen-Jen Lin, et al, "Stability of human serum albumin during bioprocessing: denaturation and aggregation during processing of albumin paste" Pharmaceutical Research Vol 17, No 4, Lin et al	1/10/2000			
PX207	ABRX0172426	ABRX0172440	[redacted]	00/00/2004	J Lisano 7	P	
PX208	ABRX0172441	ABRX0172468	[redacted]	00/00/2004		P	
PX210	ABRX0220489	ABRX0220523	Presentation - Michael Hawkins, MD, "Abraxane: Nanoparticle platform delivers improved antitumor activity," Presentation to NCI's Nanotech Seminar Series, January 24, 2006	1/24/2006		C	
PX211	ABRX0221286	ABRX0221312	US Patent 6,749,868 ('868 patent)	6/15/2004		R	
PX212	ABRX0221111	ABRX0221122	US Patent 5,439,686 ('686 patent)	8/8/1995			

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX213	ABRX0221123	ABRX0221156	US Patent 5,498,421 ('421 patent)	3/12/1996			
PX214	ABRX0221187	ABRX0221219	US Patent 5,665,382 ('382 patent)	9/9/1997		I	
PX216	ABRX0221818	ABRX0221826	Article - Russell LaMontagne, "An Interview with Abraxis Oncology's Patrick Soon-Shiong"	3/1/2004	Soon-Shiong 10		
PX218	ABRX0222697	ABRX0222713	[redacted]			H, I, P	
PX219	ABRX0224829	ABRX0224904	[redacted]	9/7/2006		H, I, P	
PX220	ABRX0225067	ABRX0225112	Presentation - Carlo Montagner, CIBC World Markets Annual Biotechnology and Speciality Pharmaceuticals Conference	4/12/2007			
PX221	ABRX0225126	ABRX0225169	[redacted]	1/1/2005		I, P	
PX222	ABRX0225171	ABRX022517I	[redacted]	3/11/2005			
PX223	ABRX0225172	ABRX0225175	[redacted]			P	
PX224	ABRX0225176	ABRX0225176	[redacted]	3/14/2005			
PX225	ABRX0225177	ABRX0225181	[redacted]			P	
PX226	ABRX0225185	ABRX0225196	[redacted]				
PX227	ABRX0226571	ABRX0226575	[redacted]	5/2/2005	H Lee 3	I, C	
PX228	ABRX0226576	ABRX0226581	[redacted]	9/5/2005	H Lee 3	I, C	
PX229	ABRX0226582	ABRX0226586	[redacted]	1/3/2006	H Lee 3	I, C	
PX230	ABRX0226587	ABRX0226591	[redacted]	3/1/2005	H Lee 3	I, C	
PX231	ABRX0226592	ABRX0226596	[redacted]	8/1/2005	H Lee 3	I, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrx Obj.	Elan Obj.
PX232	ABRX0226597	ABRX0226601	[redacted]	7/1/2005	H Lee 3	I, C	
PX233	ABRX0226602	ABRX0226606	[redacted]	4/1/2005	H Lee 3	I, C	
PX234	ABRX0226607	ABRX0226611	[redacted]	6/1/2005	H Lee 3	I, C	
PX235	ABRX0226612	ABRX0226616	[redacted]	12/1/2005	H Lee 3	I, C	
PX236	ABRX0226617	ABRX0226621	[redacted]	11/1/2005	H Lee 3	I, C	
PX237	ABRX0226622	ABRX0226626	[redacted]	10/1/2005	H Lee 3	I, C	
PX238	ABRX0226627	ABRX0226632	[redacted]	8/1/2005	H Lee 3	I, C	
PX239	ABRX0226633	ABRX0226638	[redacted]	12/1/2005	H Lee 3	I, C	
PX240	ABRX0226639	ABRX0226644	[redacted]	7/1/2005	H Lee 3	I, C	
PX241	ABRX0226645	ABRX0226650	[redacted]	6/1/2005	H Lee 3	I, C	
PX242	ABRX0226651	ABRX0226656	[redacted]	11/1/2005	H Lee 3	I, C	
PX243	ABRX0226657	ABRX0226662	[redacted]	10/1/2005	H Lee 3	I, C	
PX244	ABRX0226663	ABRX0226668	[redacted]	9/1/2005	H Lee 3	I, C	
PX245	ABRX0226669	ABRX0226673	[redacted]	5/1/2006	H Lee 3	I, C	
PX246	ABRX0226674	ABRX0226678	[redacted]	9/5/2006	H Lee 3	I, C	
PX247	ABRX0226679	ABRX0226684	[redacted]	1/1/2007	H Lee 3	I, C	
PX248	ABRX0226685	ABRX0226689	[redacted]	3/1/2006	H Lee 3 M Hawkins 4 (7/6 & 11/15)	I, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrx. Obj.	Elan Obj.
PX249	ABRX0226690	ABRX0226694	[redacted]	2/1/2006	H Lee 3	I, C	
PX250	ABRX0226695	ABRX0226699	[redacted]	8/2/2006	H Lee 3	I, C	
PX251	ABRX0226700	ABRX0226704	[redacted]	7/3/2006	H Lee 3	I, C	
PX252	ABRX0226705	ABRX0226709	[redacted]	4/1/2006	H Lee 3	I, C	
PX253	ABRX0226710	ABRX0226714	[redacted]	6/3/2006	H Lee 3 M Hawkins 3 (7/6 & 11/15)	I, C	
PX254	ABRX0226715	ABRX0226720	[redacted]	12/1/2006	H Lee 3	I, C	
PX255	ABRX0226721	ABRX0226725	[redacted]	11/1/2006	H Lee 3	I, C	
PX256	ABRX0226726	ABRX0226730	[redacted]	10/3/2006	H Lee 3	I, C	
PX257	ABRX0226731	ABRX0226736	[redacted]	4/1/2006	H Lee 3	I, C	
PX258	ABRX0226737	ABRX0226742	[redacted]	8/1/2006	H Lee 3	I, C	
PX259	ABRX0226743	ABRX0226748	[redacted]	12/1/2006	H Lee 3	I, C	
PX260	ABRX0226749	ABRX0226754	[redacted]	2/1/2006	H Lee 3	I, C	
PX261	ABRX0226755	ABRX0226760	[redacted]	1/1/2006	H Lee 3	I, C	
PX262	ABRX0226761	ABRX0226766	[redacted]	7/1/2006	H Lee 3	I, C	
PX263	ABRX0226767	ABRX0226772	[redacted]	6/1/2006	H Lee 3	I, C	
PX264	ABRX0226773	ABRX0226778	[redacted]	3/1/2006	H Lee 3	I, C	
PX265	ABRX0226779	ABRX0226784	[redacted]	5/1/2006	H Lee 3	I, C	
PX266	ABRX0226785	ABRX0226790	[redacted]	11/1/2006	H Lee 3	I, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrx's Obj.	Elan Obj.
PX267	ABRX0226791	ABRX0226796	[redacted]	10/1/2006	H Lee 3	I, C	
PX268	ABRX0226797	ABRX0226802	[redacted]	9/1/2006	H Lee 3	I, C	
PX269	ABRX0226803	ABRX0226808	[redacted]	5/1/2007	H Lee 3	I, C	
PX270	ABRX0226809	ABRX0226814	[redacted]	3/2/2007	H Lee 3	I, C	
PX271	ABRX0226815	ABRX0226820	[redacted]	2/1/2007	H Lee 3	I, C	
PX272	ABRX0226821	ABRX0226826	[redacted]	4/1/2007	H Lee 3	I, C	
PX273	ABRX0226860	ABRX0226862	[redacted]	3/2/2005	H Lee 4	I, C, X	
PX274	ABRX0226866	ABRX0226870	[redacted]		H Lee 5 M Hawkins 1 (7/6 & 11/15)	I, C, P	
PX275	ABRX0228507	ABRX0228512	[redacted]			H, P, I	
PX277	ABRX0266516	ABRX0266516	[redacted]			I, P	
PX278	ABRX0266717	ABRX0266722	[redacted]				
PX280	ABRX0268490	ABRX0268492	[redacted]	1/26/2007	M Hawkins 5 (7/6 & 11/15)		
PX281	ABRX0268701	ABRX0268706	[redacted]	1/1/2006			
PX282	ABRX0269073	ABRX0269086	[redacted]	8/1/2006			
PX283	ABRX0269312	ABRX0269314	[redacted]			X	
PX284	ABRX0269485	ABRX0269551	[redacted]	9/7/2006	M Hawkins 7 (7/6 & 11/15)	I, C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
PX285	ABRX0270744	ABRX0271254	[redacted]			H, P, I	
PX286	ABRX0272229	ABRX0272236	[redacted]	6/2/2005		I, C	
PX287	ABRX0272237	ABRX0272241	[redacted]	7/1/2005		I, C	
PX288	ABRX0272776	ABRX0272836	Presentation - "Abraxis BioScience: The Next Generation" for JP Morgan Healthcare Conference	1/8/2007		C, P	
PX289	ABRX0279352	ABRX0279366	[redacted]				
PX291	ABRX0279496	ABRX0279499	[redacted]	1/18/2006		I, C	
PX292	ABRX0279500	ABRX0279504	[redacted]			I, C	
PX294	ABRX0282685	ABRX0282686	[redacted]	6/2/2005			
PX295	ABRX0284226	ABRX0284226	[redacted]				
PX296	ABRX0287106	ABRX0287130	[redacted]				
PX297	ABRX0287163	ABRX0287182	[redacted]				
PX298	ABRX0287612	ABRX0287642	[redacted]			C	
PX300	ABRX0292729	ABRX0292763	[redacted]	10/6/1997			
PX302	ABRX0300726	ABRX0300758	[redacted]	9/7/2006	Desai 39	C	
PX303	ABRX0384618	ABRX0384632	[redacted]			C	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX304	ABRX0386805	ABRX0386866	[redacted]	9/7/2006	Soon-Shiong 14	C	
PX305	ABRX0390692	ABRX0390700	Abraxane Prescribing information				
PX306	ABRX0392117	ABRX0392131	[redacted]		Desai 40		
PX307	ABRX0474793	ABRX0474796	[redacted]	2/1/2004		R	
PX308	ABRX0475639	ABRX0475641	[redacted]	1/7/2005			
PX310	ABRX0478793	ABRX0478801	Article - David W Nyman, et al, "Phase I and Pharmacokinetics Trial of ABI-007, A Novel Formulation of Paclitaxel in Patients With Advanced Nonhematologic Malignancies"	11/1/2006			
PX311	ABRX0481353	ABRX0481365	[redacted]	3/14/2007	M Hawkins 8 (7/6 & 11/15)		
PX312	ABRX0481366	ABRX0481384	[redacted]			R, C	
PX313	ABRX0489175	ABRX0489249	[redacted]		J Jarosz4	H, I, P	
PX314	ABRX0500634	ABRX0500634	[redacted]	3/4/2005	Haidak 1	I	
PX315	ABRX0511822	ABRX0511846	[redacted]		J Jarosz11	H, P, I	
PX316	ABRX0511847	ABRX0511889	[redacted]			B, C, I, X	
PX317	ABRX0511890	ABRX0511966	[redacted]			C , I	
PX321	ABRX0523844	ABRX0523868	[redacted]			C	
PX324	ABRX0527980	ABRX0527980	[redacted]	1/1/2006		I, C, B, X	
PX326	ABRX0528759	ABRX0528788	[redacted]			H, I, P	
PX327	ABRX0528789	ABRX0528953	[redacted]	4/29/2004	J Jarosz12	H, I, P	

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
PX328	ABRX0529174	ABRX0529186	[redacted]			X, I	
PX329	ABRX0532454	ABRX0532454	[redacted]	9/24/2003	Desai 17		
PX330	ABRX0532455	ABRX0532474	[redacted]	4/24/2002	Desai 17		
PX331	ABRX0532533	ABRX0532598	[redacted]	8/13/2007		H, C, I	
PX332	ABRX0533066	ABRX0533075	[redacted]				
PX334	ABRX0533344	ABRX0533583	[redacted]	8/5/1999		R, P, I	
PX335	ABRX0533861	ABRX0533862	[redacted]	1/26/2007		P, I, M	
PX336	AMIJI0000452	AMIJI0000452	Email - Amijito Diana Kruze et al re Elan v/s Abraxis	5/24/2007	M Amiji11		
PX337	AMIJI0001491	AMIJI0001553	Report - Draft Opening Expert Report of Dr Mansoor M Amiji			R	
PX338	AMIJI0001559	AMIJI0001666	Report - Draft Opening Expert Report of Dr Mansoor M Amiji	1/1/2007		R	
PX340	WONG0001910	WONG0001958	Report - Answering Report of Dr Manoj ManiarRegarding the Validity of US Patent No 5,834,025 with Dr Wong's notes	10/29/2007	Wong 5	H, P	
PX341			US Patent Application 08/023698 - Request for Filing Application Under 37 CFR 53(a), (b) & (d)	2/22/1993	Desai 18	P, I	
PX342			Web page - APP Brand-to Generic list		Soon-Shiong 5	P, I	
PX343			[redacted]	12/16/2004	H Lee 1	I	
PX344			[redacted]	1/13/2005	H Lee 2	I	
PX345			Stenger, Matt, et al "Abraxane (nanoparticle albumin-bound paclitaxel) in metastatic breast cancer" in *Community Oncology* May/June 2005	6/1/2005	M Hawkins 18 (11/15)		
PX346			Figure - Selvaraj "example of cross-linking"		Selvaraj (7/27)	I	

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PTX No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
					1		
PX347			Figure - Selvaraj "Crosslinked? yes/no"		Selvaraj (7/27) 2	I	
PX348			Figure – Drawing with (A) and (B) labels		Selvaraj (7/27) 3	I	
PX349			SEC - Abraxis BioScience, Inc 10K 2006		B Wendel 3	C	
PX350			Ales Medek, "Solid-State Nuclear Magnetic Resonance Spectrometry" Chp 11, in Spectroscopy of Pharmaceutical Solids, Harry Brittained 2006			U, P, I, M	
PX351	ABRX0273421	ABRX0273489	[redacted]			C	
PX353	ABRX0524598	ABRX0524598	[redacted]				
PX354	ABRX0524599	ABRX0524599	[redacted]				
PX358	ABRX0523468	ABRX0523473	[redacted]			P, H	
PX361	ABRX0408971	ABRX0408972	Article – William J Gradishar, "Albumin-Bound Nanoparticle Paclitaxel"				
PX362	ABRX0267306	ABRX0267340	[redacted]			C	
PX363	ABRX0287685	ABRX0287727	[redacted]				
PX364	ABRX0499310	ABRX0499403	[redacted]			S, R, H	
PX365	ABRX0271271	ABRX0271530	SEC – American Pharmaceutical Partners, Inc				
PX366	ABRX0521737	ABRX0521797	[redacted]			S, R, C, I, P	
PX367	ABRX0149098	ABRX0149182	[redacted]				
PX368	ABRX0525713	ABRX0525942	[redacted]	12/17/2001		P, I, C, U, M	
PX370	ABRX0526577	ABRX0526793	[redacted]	9/7/1996		S, R, P, I, C, U, M	

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX372	ABRX0490597	ABRX0490733	[redacted]			S, R, P, C, U, M	
PX373	ABRX0495072	(to ending No)	[redacted]			S, R, P, C, U, M	
PX374	ABRX0495463	(to ending No)	[redacted]			S, R, P, C, U, M	
PX375	ABRX0495470	ABRX0495523	[redacted]			S, R, P, C, U, M	
PX376	ABRX0495524	(to ending No)	[redacted]			S, R, P, C, U, M	
PX377	ABRX0496239	(to ending No)	[redacted]			S, R, P, C, U, M	
PX378	ABRX0496263	(to ending No)	[redacted]			S, R, P, I, C, U, M	
PX379	ABRX0496803	(to ending No)	[redacted]			S, R, P, I, C, U, M	
PX380	ABRX0496953	(to ending No)	[redacted]			S, R, P, I, C, U, M	
PX381	ABRX0498123	(to ending No)	[redacted]			S, R, P, I, C, U, M, H	
PX382	ABRX0498272	(to ending No)	[redacted]			S, R, P, I, C, U, M	
PX389	ABRX0082462	ABRX0082604	[redacted]	08/24/2000		U, M, I, C	
PX390	ABRX0085836	ABRX0085923	[redacted]	08/20/2001		U, M, I, C	
PX391	ABRX0093703	ABRX0093892	[redacted]	08/20/2002		U, M, I, C	
PX392	ABRX0098655	ABRX0098790	[redacted]	08/25/2003		U, M, I, C	
PX393	ABRX0098945	ABRX0099259	[redacted]	10/20/2003		U, M, I, C	
PX394	ABRX0102470	ABRX0102515	[redacted]	04/13/2004		U, M, P, C	
PX395	ABRX0103647	ABRX0103830	[redacted]	08/11/2004		U, M, I, C	
PX396	ABRX0106026	ABRX0106028	[redacted]	06/30/2003		U, M, I	
PX397	ABRX0148693	ABRX0148706	[redacted]	03/07/2000		U, M, P	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Attys Obj.	Tech Obj.
PX398	ABRX0148763	ABRX0148776	[redacted]	02/01/1995		U, M, P, I	
PX399	ABRX0148777	ABRX0148796	[redacted]	05/17/1996		U, M, P, I	
PX400	ABRX0148797	ABRX0148856	[redacted]	02/26/1996		U, M, P, I	
PX401	ABRX0148924	ABRX0148945	[redacted]	06/10/1996		U, M, P, I	
PX402	ABRX0148946	ABRX0148996	[redacted]	11/06/1996		U, M, P, I	
PX403	ABRX0149183	ABRX0149227	[redacted]	06/01/1993		U, M, P, I	
PX404	ABRX0149284	ABRX0149361	[redacted]	04/05/1996		U, M, P, I	
PX405	ABRX0149362	ABRX0149443	[redacted]	08/12/1996		U, M, P, I	
PX406	ABRX0149473	ABRX0149481	[redacted]	10/11/1995		U, M, P, I	
PX407	ABRX0151015.001	ABRX0151026	[redacted]	07/29/1998		U, M, P, I, C	
PX408	ABRX0153941	ABRX0154098	[redacted]	08/11/2005		U, M, I, C, R	
PX409	ABRX0154391	ABRX0154391	[redacted]	08/11/2004		U, M, I, C	
PX410	ABRX0154470	ABRX0154475	[redacted]	06/01/2003		U, M, R, I, C	
PX411	ABRX0154665	ABRX0154665	[redacted]	08/10/2006		U, M, I, C	
PX412	ABRX0154666	ABRX0154954	[redacted]	08/10/2006		U, M, R, I, C, P, X	
PX413	ABRX0154956	ABRX0154961	[redacted]	10/01/2003		U, M, R, C, P, X	

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Ex No	Beg Bates No	End Bates No	Description	Date	Depo Ex	Abrx Obj	Elan Obj
PX414	ABRX0156827	ABRX0157474	[redacted]	02/18/2003		U, M, C, P	
PX415	ABRX0159699	ABRX0160488	[redacted]	07/21/2003		U, M, C	
PX416	ABRX0168607	ABRX0168998	[redacted]			U, M, C	
PX417	ABRX0221356	ABRX0221357	[redacted]	01/01/2000		U, M, C, P	
PX418	ABRX0274113	ABRX0274113	[redacted]	09/22/2006		U, M, I, X	
PX419	ABRX0274491	ABRX0274491	[redacted]	08/31/2006		U, M, I, X	
PX420	ABRX0521992	ABRX0522001	[redacted]	02/19/1999		U, M, P, C	
PX421	ABRX0523479	ABRX0523481	[redacted]	12/22/1995		U, M, I, X	
PX422	ABRX0523482	ABRX0523482	[redacted]	03/11/1996		U, M, I, X	
PX423	ABRX0524602	ABRX0524810	[redacted]	12/14/1994		U, M, I, P	
PX424	ABRX0524811	ABRX0525011	[redacted]	10/22/1995		U, M, I, P	
PX425	ABRX0530624	ABRX0530684	[redacted]			U, M, I, C	
PX426	ABRX0530685	ABRX0530715	[redacted]	10/02/1997		U, M, C	
PX427	ABRX0530716	ABRX0530720	[redacted]	07/01/1998		U, M, C	
PX428	ABRX0530721	ABRX0530773	[redacted]			U, M, I, X	
PX429	ABRX0530774	ABRX0530777	[redacted]	11/19/1997		U, M, P, I, X	

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PX No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrvs Objs	Elan Obj.
PX430	ABRX0530778	ABRX0530796	[redacted]			U, M, P, I, X	
PX431	ABRX0530802	ABRX0530805	[redacted]			U, M, P, I	
PX432	ABRX0530806	ABRX0530813	[redacted]			U, M, P, I	
PX433	ABRX0530814	ABRX0530820	[redacted]			U, M, P, I	
PX434	ABRX0530821	ABRX0530825	[redacted]			U, M, P, I	
PX435	ABRX0530865	ABRX0530883	[redacted]	03/19/2007		U, M, C, I, X, H	
PX436			DI 128			U, M, H, P	
PX452	ABRX0498572	(to ending No)	[redacted]			U, M, S, R, P, C, X	
PX453	ABRX0498745	(to ending No)	[redacted]			U, M, S, R, I, C, H, X	
PX454	ABRX0499118	(to ending No)	[redacted]			U, M, S, R, P, C, H, X	
PX456	ABRX0499736	(to ending No)	[redacted]			U, M, S, R, I, C	
PX457	ABRX0515762	ABRX0515864	[redacted]			U, M, S, R, C	
PX458	ABRX0515914	ABRX0515969	[redacted]			U, M, S, R, C, I	
PX459	ABRX0520790	ABRX0515795	[redacted]			U, M, S, R, C, I	
PX461	ABRX0517309	(to ending No)	[redacted]			U, M, S, R, C, I	
PX462	ABRX0517325	(to ending No)	[redacted]			U, M, S, R, C	
PX463	ABRX0519627	(to ending No)	[redacted]			U, M, S, R, C, P, I	
PX464	ABRX0519895	(to ending No)	[redacted]			U, M, S, R, C	
PX465	ABRX0519988	(to ending No)	[redacted]			U, M, S, R, C	
PX466	ABRX0520673	(to ending No)	[redacted]			U, M, S, R, C, I	

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REDACTED

Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX467	ABRX0520902	(to ending No)	[redacted]			U, M, S, R, C, P, I	
PX468	ABRX0521732	(to ending No)	[redacted]			U, M, S, I, R, P	
PX470	ABRX0521798	(to ending No)	[redacted]			U, M, C	
PX471	ABRX0521829	(to ending No)	[redacted]			U, M, C	
PX472	ABRX0521834	(to ending No)	[redacted]			U, M, I, X	
PX473	ABRX0521887	(to ending No)	[redacted]			U, M, P, I, X	
PX475	ABRX0521923	(to ending No)	[redacted]			U, M, S, R, I, C, P	
PX476	ABRX0521938	(to ending No)	[redacted]			U, M, S, R, I, P	
PX477	ABRX0521941	(to ending No)	[redacted]			U, M, S, R, I	
PX478	ABRX0521954	(to ending No)	[redacted]			U, M, S, R, P, I	
PX479	ABRX0521961	(to ending No)	[redacted]			U, M, S, R, P, I	
PX480	ABRX0521974	(to ending No)	[redacted]			U, M, S, R, P, I	
PX481	ABRX0525022	(to ending No)	[redacted]			U, M, S, R, P, I	
PX483	ABRX0525338	(to ending No)	[redacted]			U, M, S, R, I, C	
PX484	ABRX0525488	(to ending No)	[redacted]			U, M, S, R, I, C	
PX486	ABRX0526794	(to ending No)	[redacted]			U, M, S, R, I, C	
PX488	ABRX0533584	ABRX0533823	[redacted]			U, M, S, R, P, I, C	
PX489	ABRX0527474	ABRX0527811	[redacted]			U, M, R, I, P	
PX491			Exhibit D of BrittainOpening Report Literature The Crystalline State,Bragg et al			U, M, H, X	
PX492			Exhibit E of BrittainOpening Report Literature Applied X-Rays, Clark			U, M, H, X	
PX493			Exhibit J of BrittainOpening Report Literature Stability of Protein Pharmacology, Tim Ahern and Marc Manning			U, M, I, H	

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Ex. No.	Beg Bates No.	End Bates No.	Description[1]	Date	Depo Ex	Abrxs Obj.	Elan Obj.
PX494			Exhibit L of BrittainOpening Report Literature Preparation and Charcterization of Paclitaxel Un-Sook Gi			U, M, R, I, H	
PX495			Exhibit M of BrittainOpening Report Literature Merck Index Taxol			U, M, H, C	
PX496			Exhibit N of BrittainOpening Report Literature Merck Index Paclitaxel			U, M, H, C	
PX497			Exhibit O of BrittainOpening Report USP Dictionary 2002 USP			U, M, H, C	
PX498			Exhibit C of Taft Opening Report Table Toxicity Results			U, M, H, I, C, P	
PX499			Exhibit D of Taft Opening Report Table Toxicity Results			U, M, H, I, C, P	
PX500			Exhibit E of Taft Opening Report Efficacy Endpoints			U, M, H, I, C, P	
PX501			Exhibit F of Taft Opening Report Wayne State University Efficacy Endpoint			U, M, H, I, C, P	
PX502			Exhibit G of Taft Opening Report CTRC Results: Efficacy Endpoint			U, M, H, I, C, P	
PX503			Exhibit 2 of ManiarRebuttal Report Toxicology and Safety Assessment			U, M, H, I, X	
PX504			Exhibit 3 of ManiarRebuttal Report Oncology Tools			U, M, H, I, X	
PX505			Exhibit 4 of ManiarRebuttal Report Adriamycin Drug Substance Profile			U, M, H, I	
PX506			Exhibit 5 of ManiarRebuttal Report DaunoXome			U, M, H, I, H	
PX507			Exhibit 6 of ManiarRebuttal Report Nanoparticles as microcarriers Couvreur et al			U, M, I, H	
PX508			Exhibit 7 of ManiarRebuttal Report Studies of Myelosuppressive Activity of Doxorubicin entrapped in liposome Bally et al			U, M, I, H	
PX509			Exhibit 8 of ManiarRebuttal Report Guidance for Industry			U, M, I, H	
PX510			Exhibit 9 of ManiarRebuttal Report Guidance for Indusry-single dose acute toxicology			U, M, I, H	

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abx's Obj.	Plan's Obj.
PX511			Exhibit 10 of ManiarRebuttal Report Cross-Reactivity Among Drugs			U, M, I, H	
PX512			Exhibit 11 of ManiarRebuttal Report Critical Evalulation of Acute Cardiopulmonary Toxicology of Microspheres			U, M, I, H	
PX513			Exhibit 12 of ByrnRebuttal Report Merck Index-methotrexate			U, M, I, H	
PX514			Exhibit 11 of ByrnRebuttal Report Colloidal dispersions chapter			U, M, I, H	
PX515			Exhibit 6 of ByrnRebuttal Report Cancer Research Article Lin et al			U, M, I, H	
PX516	BERKLAND0000025	BERKLAND0000057	Article - David 1 W Grant, Theory and Origin of Polymorphism			U, M, H	
PX517	BERKLAND0000058	BERKLAND0000139	Article - R W James, The Optical Principles of the Fraction of X-Rays, Chapt X (1982)			U, M, R, H	
PX518	BERKLAND0000163	BERKLAND0000170	Article-"Crystal structure of human serum albumin "			U, M, I, H	
PX519	BRITTAIN0001508	BRITTAIN0001534	Article - Remington's Pharmaceutical Sciences			U, M, H	
PX520	BRITTAIN0001791	BRITTAIN0001807	Article - "Analysis of Amorphous and Nanocrystalline Solids "			U, M, H	
PX521	BRITTAIN0001808	BRITTAIN0001814	Article - "Binding studies of taxanes to human serum albumin by bioaffinity chromatography and circular dichroism"			U, M, I, H	
PX522	BRITTAIN0002232	BRITTAIN0002237	Article - "Solid-State Characterization of Paclitaxel"			U, M, H	
PX523	BYRN0000461	BYRN0000466	Article - "The Crystalline State"			U, M, H, X	
PX524	ELANP0001124	ELANP0001135	European Patent Application EP0262560 (Kondo)			U, M	
PX525	ELANP0007307	ELANP0007471	Laboratory Notebook 721 (Elaine Merisko)			U, M, H, I	
PX526	ELANP0016045	ELANP0016244	Laboratory Notebook No 5470 (N Peltier)			U, M, H, I	
PX527	ELANP0017758	ELANP0017994	Laboratory Notebook 3237 (Joe Bruno)			U, M, H, A, R	

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Ex. No.	Beg Bates No.	End Bates No.	Description[1]	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
PX528	ELANP0319127	ELANP0319132	Declaration - Gary G Liversidge			U, M, H, I	
PX529	ELANP0319133	ELANP0319157	Declaration - John R Minter			U, M, H, I	
PX530	ELANP0319158	ELANP0319164	Declaration - Kenneth W Norton			U, M, H, I	
PX531	ELANP0319165	ELANP0319167	Declaration - Domenic Santilli			U, M, H, I	
PX532	MANIAR0000369	MANIAR0000373	Article - "Critical Evaluation of Acute Cardiopulmonary Toxicity of Microspheres"			U, M, H, I	
PX533	MANIAR0000961	MANIAR0000972	Article - "Guidance for Industry"			U, M, H, I	
PX534	Page 1	Page 5	Letter – Karen Keller to Chief Judge Sleet	01/09/2008		Reserved[2]	
PX535			SEC - Abraxis BioScience, Inc 10 2007	08/09/2007		Reserved	
PX536			SEC - Abraxis BioScience, Inc 8K 2008	03/31/2008		Reserved	
PX537			SEC - Abraxis BioScience, Inc 10K 2007	03/31/2008		Reserved	
PX538			Press release – APP Pharmaceuticals Launches Cefepime Hydrochloride for Injection	03/25/2008		Reserved	
PX539	ELANP0005371	ELANP0005383	Patent Declaration of Professor Michael Edward Aulton (effective particle size)	05/11/2006		Reserved	
PX540	ELANP0247524	ELANP0247576	Presentation - Your Partner of Choice in Drug Optimization, Scale Up and Manufacturing			Reserved	
PX541	ELANP0001504	ELANP0001510	US Patent Application 647,105 Rule 132 Declaration, Eugene Cooper (Jan 25, 1991)	01/25/1991		Reserved	
PX542	ELANP0000964	ELANP0000979	US Patent No 4,826,689 (Violanto et al)	05/02/1989		Reserved	
PX543	ELANP0304860	ELANP0304878	Declaration of Karen J Lewis			Reserved	
PX544	ELANP0216843	ELANP0216844	"Albumin"			Reserved	
PX545	ELANP0153933	ELANP0153935	Experiment - Roller Milling of 10% Taxol with 5%	01/24/1996		Reserved	

[2] Abraxis reserves all objections to Elan Exhibits PX534 and above. These exhibits were neither identified nor provided to Abraxis in time for Abraxis to object before the submission of the proposed joint pre-trial order.

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrx Objs.	Elan Objs.
			Tyloxapol				
PX546	TAFT0003959	TAFT0004001	Presentation - "NanoCrystal Technology"			Reserved	
PX547	ELANP0153966	ELANP0153973	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	03/01/1996		Reserved	
PX548	ELANP0153958	ELANP0153965	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	02/27/1996		Reserved	
PX549	ELANP0153950	ELANP0153957	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	02/23/1996		Reserved	
PX550	ELANP0304841	ELANP0304859	Declaration of Karen J Lewis			Reserved	
PX551	ELANP0018718	ELANP0018719	Chart - "Contamination Levels from Bead Washing"	1/11/1995		Reserved	
PX552	ELANP0085251	ELANP0085255	Presentation excerpt - "Polymeric Grinding Media for Milling"	12/00/1993		Reserved	
PX553	ELANP0140071	ELANP0140072	Internal Memo - "Pharmaceutical Acceptability of Nanoparticle Product Contamination"	01/01/1994		Reserved	
PX554	ELANP0122151	ELANP0122274	Article - "Particle & Powder Characterization: Particle Analysis Standardization System"			Reserved	
PX555	ELANP0117909	ELANP0117928	Presentation-Oncology Program Review			Reserved	
PX556	ELANP0092608	ELANP0092611	Internal Memo - "Draft minutes of Nanoparticles for oral meeting"	09/10/1990		Reserved	
PX557	ELANP0093077	ELANP0093080	Internal Memo - "2/28/91 meeting excerpts"	02/28/1991		Reserved	
PX558	ELANP0093016	ELANP0093020	Internal Memo - "Nano Meeting Minutes	04/02/1991		Reserved	
PX559	ELANP0306413	ELANP0306426	Presentation - "Elan Pharmaceutical Technologies"			Reserved	
PX560	ELANP0291054	ELANP0291054	Email - Elaine Liversidge to Steve Ruddy re About the Company	01/31/2005		Reserved	
PX561	ELANP0083006	ELANP0083006	October 31, 1995 letter to Tom Corbett	10/31/1995		Reserved	
PX562	ELANP0083097	ELANP0083099	March 20, 1995 letter to Tom Corbett	03/20/1995		Reserved	
PX563	ELANP0083152	ELANP0083153	April 29, 1996	04/29/1996		Reserved	

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Ex No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Wrks Obj.	Plan Obj.
PX564	ELANP0298370	ELANP0298380	Pharma Development	09/26/2001		Reserved	
PX565	ELANP0209981	ELANP0209982	Chart-Paclitaxel/Amino Acid feasibility formulations			Reserved	
PX566	ELANP0312830	ELANP0312832	Summary of BMS Efficacy Data	09/25/1996		Reserved	
PX567	ELANP0314591	ELANP0314591	Email - Elaine Liversige to Jain Rajeev et al re Nanoparticle Paclitaxel	08/01/2003		Reserved	
PX568	ELANP0066193	ELANP0066392	Laboratory Notebook 5520(Nancy Peltier)			Reserved	
PX569	ELANP0092478	ELANP0092484	Memo - "Background Material for April 20th Meeting"	10/06/1989		Reserved	
PX570	ELANP0096321	ELANP0096520	Laboratory Notebook 5597(Nancy Peltier)	10/31/1998		Reserved	
PX571	ELANP0092643	ELANP0092643	Email - John Bishop to Ken Cundy et al re x-ray diffraction	09/17/1990		Reserved	
PX572	ELANP0083066	ELANP0083066	Shelf Stability of 3/6/95 Efficacy Samples	03/06/1995		Reserved	
PX573	ELANP0083067	ELANP0083067	Page 2 of Shelf Stability of 3/6/95 Efficacy Samples	03/24/1995		Reserved	
PX574	ELANP0082999	ELANP0082999	Letter of 11/29/95 to Tom Corbett re piposulfan w/ Tween/Span	11/29/1995		Reserved	
PX575	ELANP0144337	ELANP0144338	Letter of 4/29/1996 to T Corbett re piposulfan formulation	04/29/1996		Reserved	
PX576	ELANP0017352	ELANP0017355	Various memo and letters re etoposide formulations	01/13/1993		Reserved	
PX577	ELANP0137259	ELANP0137300	Presentation - Larry Sternson; NanoSystems Elan			Reserved	
PX578	ELANP0002654	ELANP0002710	Manual - horiba Laser scattering particle size distribution analyzer			Reserved	
PX579	ELANP0247578	ELANP0247590	Presentation - Drug Optimization technology platforms			Reserved	
PX580	ELANP0217663	ELANP0217702	Presentation - IIR Conference Jan 24-26, 2000	01/24/2000		Reserved	
PX581	ELANP0207883	ELANP0207899	Presentation - Combining Nanoparticles with Controlled Release Technology			Reserved	
PX582	ELANP0036426	ELANP0036463	Article - "Particle Size Reduction" by Michael Shaw, et al			Reserved	
PX583	ELANP0007029	ELANP0007032	Memo - "Nanoparticulate Oncology Agents: Proposed	02/12/1992		Reserved	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
			Action Plan for Etoposide"				
PX584	ELANP0005088	ELANP0005113	Article - Chp 2 Milling from The Theory and Practice of Industrial Pharmacy			Reserved	
PX585	ELANP0306185	ELANP0306243	Presentation - CBI Conference July 2000	07/01/2000		Reserved	
PX586	ELANP0306244	ELANP0306265	Presentation - Overview of Elan Corp			Reserved	
PX587	ABRX0536683		Video - nab Technology			Reserved	
PX588	ABRX0043138	ABRX0043141	Article - Pharmacology & Toxicology of Cremophor EL	05/01/1994		Reserved	
PX589	ABRX0073220	ABRX0073228	Article - drawbacks of Cremophor EL	02/26/2001		Reserved	
PX590	ABRX0152977	ABRX0152977	[redacted]	03/18/2003		Reserved	
PX591	ABRX0152978	ABRX0152978	[redacted]	03/18/2003		Reserved	
PX592	ABRX0219835	ABRX0219865	Article - Gradishar et al, "Superior Efficacy of Albumin-Bound..."	11/01/2005		Reserved	
PX593	ABRX0221157	ABRX0221167	US Patent 5,560,933 ('933 patent)	10/01/1996		Reserved	
PX594	ABRX0221230	ABRX0221246	US Patent 6,096,331 ('331 patent)	08/01/2000		Reserved	
PX595	ABRX0222035	ABRX0222062	[redacted]			Reserved	
PX596	ABRX0225531	ABRX0225533	[redacted]	02/26/2007		Reserved	
PX597	ABRX0267985	ABRX0268024	[redacted]	02/22/2007		Reserved	
PX598	ABRX0509162	ABRX0509169	[redacted]	01/01/2004		Reserved	
PX601	ABRX0150186	ABRX0150187	[redacted]	02/07/2003		Reserved	
PX602	ABRX0265868 ABRX0266793	ABRX0265869 ABRX0266798	[redacted]			Reserved	
PX603	ABRX0151624.001 ABRX0152939	ABRX0151631 ABRX0152945	[redacted]	10/18/2002		Reserved	
PX604	ABRX0150201	ABRX0150205	[redacted]	10/29/2002		Reserved	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
PX605	ABRX0150211	ABRX0150214	[redacted]			Reserved	
PX606	ABRX0149614.001 ABRX0150227 ABRX0150301 ABRX0150978 ABRX0152927 ABRX0152930 ABRX0150999 ABRX0150377 ABRX0151622 ABRX0152979 ABRX0150382 ABRX0150372	ABRX0149614.004 ABRX0150227 ABRX0150301 ABRX0150983 ABRX0152927 ABRX0152930 ABRX0151009 ABRX0150381 ABRX0151624 ABRX0152981 ABRX0150382 ABRX0150376	[redacted] p16 p16 pp50-55 p56 pp58-68 pp64-68 pp69-71 pp69-71 p74 pp75-79	05/18/2004		Reserved	
PX607	ABRX0522669	ABRX0522698	[redacted]	05/18/2004		Reserved	
PX609	ABRX0220069		Article – "Intraarterial Chemotherapy withPolyoxyethylated Castor Oil Free Paclitaxel, Incorporated in Albumin Nanoparticles (ABI-007)			Reserved	
PX610	ABRX0220073		Article – "A Novel Intraarterial Chemotherapy Using Paclitaxel in Albumin Nanoparticles . . ."			Reserved	
PX611	ABRX0300385	ABRX0300433	[redacted]	09/07/2006		Reserved	
PX612	ABRX0220076		Article – "QA"			Reserved	
PX613	ABRX0220077		Article – "Comparitive Preclinical and Clinical Pharmacokinetics . . ."			Reserved	
PX614	ABRX0220079		Article – "Multicenter Phase II Trial of ABI-007 . . ."			Reserved	
PX615	ABRX0220081		Article - "Phase I and Pharmacokinetic Study of ABI-007, a Cremophor-free, Protein-stabilized, Nanoparticle Formulation of Paclitaxel"			Reserved	
PX616	ABRX0220083		Article – "Phase I and Pharmacokinetic Study of ABI-007 . . ."			Reserved	
PX617	ABRX0220084		Article – "Phase III Trial of Nanoparticle Albumin-Bound Paclitaxel . . ."			Reserved	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj	Elan Obj
PX618	ABRX0537649	ABRX0537673	[redacted]			Reserved	U
PX620	ABRX0533273	ABRX0533343	[redacted]			Reserved	
PX625	ELANP0037228	ELANP0037307	Licnese - Fournier			Reserved	
PX626	ABRX0533177	ABRX0533272	[redacted]			Reserved	
PX627	ABRX-NYCO0000003	ABRX-NYCO0000027	License – Kodak and Nycomed			Reserved	
PX628	ABRX-IMCOR0000069	ABRX-IMCOR0000097	License – General Hospital Corp. and Photogen			Reserved	
PX629	ABRX-ROCHE0000028	ABRX-ROCHE0000079	Licnese – Elan and Roche			Reserved	
PX630	ELANP0036757	ELANP0036814	License – NanoSystems and American Home Products			Reserved	
PX631	ELANP0036570	ELANP0036633	License – NanoSystems and American Home Products			Reserved	
PX632	ELANP0036634	ELANP0036697	License – NanoSystems and American Home Products			Reserved	
PX633	ELANP0036553	ELANP0036564	License – Elan and Wyeth			Reserved	
PX634	ELANP0036565	ELANP0036569	License – Elan and Wyeth			Reserved	
PX635	ELANP0316305	ELANP0316349	License – Elan and Janssen			Reserved	
PX636	ELANP0316350	ELANP0316381	License – Elan and Vertex			Reserved	
PX637	ELANP0316396	ELANP0316421	License – Elan and Vertex			Reserved	
PX638	ELANP0037985	ELANP0038022	License – Elan and Par			Reserved	
PX639	ELANP0037425	ELANP0037467	License – Elan and Fournier			Reserved	
PX640	ELANP0037398	ELANP0037424	License – Elan and Fournier			Reserved	
PX641	ELANP0038062	ELANP0038093	License – Elan and Par			Reserved	
PX642	ELANP0038094	ELANP0038117	License – Elan and Par			Reserved	
PX643	ELANP0036962	ELANP0036964	License – Elan and Aventis			Reserved	

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Works Obj	Plan Obj
PX644	JAROSZ0013928	JAROSZ0014216	Exhibits to Jarosz Expert Report			Reserved	
DX001			Rule 1006 summary of the following documents: ELANP0211377 ELANP0259004-ELANP0259005, at ELANP0259004 ELANP0262602-ELANP0262603, at ELANP0262603 ELANP0262602-ELANP0262603, at ELANP0262602 ELANP0262602-ELANP0262603, at ELANP0262603 ELANP0160892-ELANP0160900, at ELANP0160894 ELANP0199572-ELANP0199617, at ELANP0199617 ELANP0259925-ELANP0259948, at ELANP0259936 ELANP0299341 ELANP0314755-ELANP0314843, at ELANP0314791 ELANP0300541-ELANP0300608, at ELANP0300584 ELANP0215797-ELANP0215805, at ELANP0215801 ELANP0305762-ELANP0305768 ELANP0306002-ELANP0306020, at ELANP0306014				Argumentative (403) as to the title D L (602) Opinion (702, 703) H (802) P (403)
DX002			Rule 1006 summary of the following documents: ELANP0092599-ELANP0092601 Serial No. 07/647,105, 11/18/1991 Amendment, p. 6 Serial No. 07/647,105, 11/18/1991 Amendment, p. 9 Serial No. 07/908,125, 10/29/92 Information Disclosure Statement Pursuant to 37 C.F.R. 1.97-1.99, p. 3 ELANP0262602-ELANP0262603, at ELANP0262603 ELANP0297171-ELANP0297172, at ELANP0297172 ELANP0146226-ELANP0146228, at ELANP0146227				Argumentative (403) as to the title D P (403) C X as to incomplete statements, Rule of completeness (403) Opinion (702, 703) H (802)
DX003			Rule 1006 summary of the following documents: ELANP0031526-ELANP0031568, at ELANP0031527 ELANP0031526-ELANP0031568, at ELANP0031566 ELANP0295422-ELANP0295494, at ELANP0295466 ELANP0262602-ELANP0262603, at ELANP0262602 ELANP0305762-ELANP0305768				Argumentative (403) as to the title D P (403) X incomplete statements as to summary, Rule of

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Admit (Y/N)	Plan Obj.
							Completeness (403) Opinion (702, 703) W (privileged)
DX004			Rule 1006 Summary of the following document: MUNSON00002203	00/00/2007			Argumentative (403) as to the title P (403) A (901) D I (402) Opinion (702, 703) H (802) R (foundation)
DX005			Rule 1006 summary of the following documents: '363 patent '684 patent Serial No. 07/908,125, 10/29/1992 Information Disclosure Statement Pursuant to 37 CFR 1.97-1.99, p. 2 Serial No. 07/908,125, 9/13/1993 Information Disclosure Statement Pursuant to 37 C.F.R. 1.97-1.99, p. 2 Serial No. 07/647,105, 11/18/1991 Amendment, p. 15 Serial No. 07/647,105, 11/18/1991 Amendment, p. 16 EP App. No. 92200153.2, 3/17/1997 Response, p. 8				Argumentative (403) as to the title P (403) D X incomplete statements as to summary, Rule of Completeness (403)
DX006			Rule 1006 summary of the following documents: '363 patent '684 patent Serial No. 07/908,125, 10/29/92 Information Disclosure Statement Pursuant to 37 C.F.R. 1.97-1.99, p. 3 Serial No. 07/908,125, 9/13/1993 Amendment, p. 4 Serial No. 07/908,125, 9/13/1993 Amendment, Rule 132 Declaration by Gary G. Liversidge, signed 9/8/93, p. 2 Serial No. 07/647,105, 11/18/1991 Amendment, p. 6 Serial No. 07/647,105, 11/18/1991 Amendment, p. 14				Argumentative (403) as to the title D P (403) X incomplete statements as to summary, Rule of Completeness (403)

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abx's Obj.	Plan's Obj.
			Serial No. 07/647,105, 11/18/1991 Amendment, Rule 132 Declaration of Eugene Cooper, signed 11/13/91, p. 2 EP App. 92200153.2, 3/17/97 Response, p. 6 EP App. 92200153.2, 3/17/97 Response, p. 9				
DX007			Rule 1006 summary of the following documents: '363 patent '684 patent Serial No. 07/908,125, 9/13/1993 Amendment, p. 4 EP App. No. 93201883.1, 4/30/1998 Observations and Amendments, p. 6 Serial No: 07/647,105, 11/18/1991 Amendment, p. 7 Serial No. 07/647,105, 11/18/1991 Amendment, p. 9 EP App. 92200153.2, 3/17/97 Response, p. 7 EP 0499299, 9/13/2005 Proprietor's Response to Opponent's Submission, p. 8 EP 0499299, 10/19/2005 Proprietor's Response to Opponent's Submission, p. 15				Argumentative (403) as to the title D P (403) I (402) C X incomplete statements as to summary, Rule of Completeness (403)
DX008			Rule 1006 summary of the following documents: '363 patent '684 patent Serial No. 07/908,125, 9/13/1993 Amendment, p. 6 Serial No. 07/647,105, 11/18/1991 Amendment, p. 9 Serial No. 07/647,105, 11/18/1991 Amendment, p. 17				Argumentative (403) as to the title D P (403) X incomplete statements as to summary, Rule of Completeness (403)
DX009			Rule 1006 summary of the following documents: ABRX-MERK 159-216 ELANP37308-397 ELANP36570-633 ELANP36698-756 ELANP36656-569 JAROSZ10443-482 ELANP38023-061				Argumentative (403) as to the title D P (403) I (402) X incomplete statements as to summary, Rule of Completeness (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX013			Rule 1006 summary of the following documents: ELANP314471-522 ABRX-ROCHE182-224 ABRX-ROCHE28-79 ELANP36965-010 ELANP36962-964 ELANP316166-226 ABRX-ENTRA 2-48 ELANP37651-704				Argumentative (403) as to the title D P (403) X incomplete statements as to summary, Rule of Completeness (403)
DX014	ABRX0000001	ABRX0000010	United States Patent No. 5,145,684 - Liversidge et al.	09/08/1992			
DX015	ABRX0000020	ABRX0000029	United States Patent No. 5,834,025 - de Garavilla et al.	11/10/1998			
DX020	ABRX0000555	ABRX0000570	United States Patent No. 4,826,689 - Violante et al.	05/02/1989			
DX021	ABRX0000796	ABRX0000821	Abraxane for Injectable Suspension (paclitaxel protein-bound particles for injectable suspension)	01/07/2005			
DX022	ABRX0000826	ABRX0000835	Abraxane Administration Guide				
DX023	ABRX0000836	ABRX0000931	American Pharmaceutical Partners Inc./DE/ - Form 10-K	12/31/2004			
DX024	ABRX0000932	ABRX0001035	American Pharmaceutical Partners Inc./DE/ - Form 10-K	12/31/2005			
DX025	ABRX0001036	ABRX0001139	Abraxis BioScience, Inc. - Form 10-K/A	12/31/2005			
DX027	ABRX0003134	ABRX0003167	United States Patent No. 4,498,421 - Grinstaff et al.	03/12/1996			I (402), H (802), P (403), M
DX029	ABRX0003185	ABRX0003203	United States Patent No. 6,506,405 B1 - Desai et al.	01/14/2003			I (402), H (802), P (403), M
DX030	ABRX0003204	ABRX0003223	United States Patent No. 6,537,579 B1 - Desai et al.	03/25/2003			I (402), H (802), P (403), M
DX031	ABRX0003224	ABRX0003250	United States Patent No. 6,749,868 B1 - Desai et al.	06/15/2004			I (402), H (802), P (403), M
DX032	ABRX0003251	ABRX0003268	United States Patent No. 6,753,006 B1 - Desai et al.	06/22/2004			I (402), H (802), P (403), M
DX033	ABRX0070230	ABRX0070231	[redacted]				X (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX034	ABRX0070233	ABRX0070327	Abraxane (nab paclitaxel) for Injectable Suspension	02/03/2004			
DX040	ABRX0150543.001 ABRX0150544	ABRX0150543.003 ABRX0150564	[redacted]	03/21/2003 09/24/2003			R (multiple docs) (403), X (403)
DX041	ABRX0151402 ABRX0151417 ABRX0151449 ABRX0151479 ABRX0151512 ABRX0151527 ABRX0153298 ABRX0153316 ABRX0533101 ABRX0533066 ABRX0151935	ABRX0151416 ABRX0151448 ABRX0151478 ABRX0151511 ABRX0151526 ABRX0151535 ABRX0153315 ABRX0153347 ABRX0533120 ABRX0533075 ABRX0151966	[redacted]	03/21/2002 03/28/2002 06/21/2002 10/21/2002 12/13/2002 01/14/2003 02/27/2006 04/21/2006 00/00/2002			R (multiple docs), H (802) as to Memorandum from E. Gresham and Micron Inc. Analytical Services Report. X (403)
DX042	ABRX0151586	ABRX0151589	[redacted]	03/25/2003			X (403)
DX043	ABRX0151591	ABRX0151595	[redacted]	03/31/2003			X (403)
DX045	ABRX0153624	ABRX0153666	[redacted]	02/12/2003			
DX046	ABRX0166835	ABRX0166860	Abraxane for Injectable Suspension (paclitaxel protein-bound particles for injectable suspension)	01/00/2007			
DX047	ABRX0166862 ABRX0166866	ABRX0166865 ABRX0166891	[redacted]				
DX049	ABRX0168256	ABRX0168257	Article - Desai et al., "Evidence of Greater tumor and red cell partitioning and superior antitumor activity of Cremophore free nanoparticle paclitaxel (ABI-007) compared to taxol"	12/04/2003			H (802), R (illegible) as to second page

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Plan Obj.
DX050	ABRX0168408 ABRX0168411	ABRX0168410 ABRX0168483	[redacted]				H (802), M; Opinion 702 R (multiple docs)
DX051	ABRX0219640	ABRX0219651	Article - Gradishar et al., "Superior Efficacy of Albumin-Bound Paclitaxel, ABI-007, Compared With Polyethylated Castor Oil-Based Paclitaxel in Women With Metastatic Breast Cancer: Results of a Phase III Trial	11/01/2005			H(802); Opinion (702); I (402)
DX052	ABRX0220095	ABRX0220095	Poster - SPARC Expression in Breast Tumors May Correlate to Increased Tumor Distribution of Paclitaxel Albumin Nanoparticles (ABI-007) vs Taxol				H (802), I (402), Opinion (702,703)
DX053	ABRX0220101	ABRX0220101	Poster - Enhanced Efficacy and Safety of Nanoparticle Albumin-bound *nab*-Docetaxel versus Taxotere				H (802), I (402), P
DX054	ABRX0220106	ABRX0220106	Poster - Improved Effectiveness of Abraxane vs Taxotere in Multiple Different Xenografts as a Function of HER2 and SPARC Status				H (802), I (403), Opinion 702, 703
DX056	ABRX0220837	ABRX0220844	United States Patent No. 5,188,837 - Domb (Exhibit T to AmijiOpening Expert Report)	02/23/1993			
DX060	ABRX0265631	ABRX0265633	[redacted]	04/18/1996			H (802), P (403)
DX062	ABRX0268569	ABRX0268600	[redacted]				H (802), I (402)
DX063	ABRX0279350 ABRX0279352	ABRX0279351 ABRX0279366	[redacted]				
DX066	ABRX0284194	ABRX0284197	[redacted]				H (802); Opinion 702, X (403)
DX067	ABRX0287486	ABRX0287501	[redacted]				
DX070	ABRX0382262 ABRX0392117	ABRX0382275 ABRX0392131	[redacted]				H (802) R (multiple docs)
DX071	ABRX0403041	ABRX0403064	Article - Joyce O'Shaughnessy, "Clinical Experience with Abraxane for Injectable Suspension in Breast Cancer"				H (802), I (402), Opinion (702, 703)
DX073	ABRX0490130	ABRX0490156	[redacted]	05/00/2000			Opinion (702, 703), X (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abx's Obj.	Elan Obj.
DX074	ABRX0522869	ABRX0522882	[redacted]	03/21/2003			X (403)
DX075	ABRX0523515	ABRX0523530	CV - Michael John Hawkins, M.D.	06/18/2007			H (802), I (402)
DX076	ABRX0523585	ABRX0523601	[redacted]	07/02/2007			Opinion 702, 703, X (403)
DX078	ABRX0523982	ABRX0524007	Abraxane Package Insert	05/00/2007			
DX079	ABRX0524008	ABRX0524018	European Patent Publication No. 0233559 B1 (Exhibit Z to AmijiOpening Expert Report)	06/05/1992			I (402), H (802)
DX080	ABRX0524157	ABRX0524168	United States Patent No. 5,381,767 - Liversidge et al.	06/07/1994	G. Liversidge 38		H (802), I (402), P (403), M
DX083	ABRX0527868	ABRX0527872	[redacted]				H (802), Opinion (702, 703), I (402)
DX084	ABRX0527873	ABRX0527877	[redacted]				H (802), Opinion (702, 703), I (402
DX085	ABRX0527878	ABRX0527889	[redacted]				H (802), Opinion (702, 703), I (402)
DX086	ABRX0527890	ABRX0527938	[redacted]				H (802), Opinion (702, 703), I (402)
DX087	ABRX0527939	ABRX0527961	[redacted]				H (802), Opinion (702, 703), I (402)
DX091	ABRX0528489	ABRX0528520	Brochure - Abraxane: Harnessing Albumin Receptor-Mediated Pathways as a Means of Effective and Safe Drug Delivery				H (802), Opinion (702, 703), I (402)
DX092	ABRX0529500	ABRX0529511	[redacted]				H (802), I (402)
DX093	ABRX0529847	ABRX0529848	Brochure - Abraxis Oncology Challenges Current Standards of Care by Developing Innovative Next-Generation Cancer Therapeutics	00/00/2004			H (802), Opinion (702,703) I (402)
DX094	ABRX0530619	ABRX0530623	[redacted]	09/13/2000			X (403)
DX095	ABRX0530797	ABRX0530799	[redacted]	03/17/1996			X (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrx Obj.	Ehan Obj.
DX096	ABRX0531263	ABRX0531271	CV - Neil Prafulla Desai				
DX097	ABRX0532313	ABRX0532313	Article - "Abraxis CEO, Wife to Give St. John's $35 Million"	01/17/2007			H (802), I (402) FRE 608
DX098	ABRX0532317	ABRX0532347	CV - Patrick Soon-Shiong, M.D.	04/00/2007			
DX099	ABRX0532348	ABRX0532359	Awards/Trophies - American Pharmaceutical Partners, Inc.				H (802), I (402)
DX100	ABRX0532373	ABRX0532374	Article - "VivoRx: Putting a Round Peg in a Round Hole"	09/18/1995			H (802), I (402)
DX101	ABRX0532406	ABRX0532406	Abraxane - Patient/Doctor Interview (Healthstar VNR)				H (802), I (402)
DX102	ABRX0532412	ABRX0532414	Article - Marie Powers, "NDA Filed with FDA for First Nanoparticle-Based Chemotherapy Agent"	03/10/2004			H (802), I (402), P (403)
DX103	ABRX0532433	ABRX0532453	[redacted]	10/27/2006			H (802), I (402) R (multiple docs)
DX104	ABRX0532454	ABRX0532474	[redacted]	09/24/2003			X (403)
DX105	ABRX0532475	ABRX0532485	[redacted]	06/13/2002			
DX106	ABRX0532486	ABRX0532486	[redacted]				H (802), X (403), Opinion (702,703)
DX107	ABRX0532487	ABRX0532494	[redacted]	01/28/2003			H (802)
DX108	ABRX0532495	ABRX0532495	[redacted]	06/01/2006			H (802), X (403)
DX109	ABRX0532496	ABRX0532511	[redacted]	08/10/2007			
DX110	ABRX0532512	ABRX0532512	[redacted]	06/01/2006			H (802), X (403)
DX111	ABRX0532513	ABRX0532520	[redacted]	08/10/2007			H (802)
DX112	ABRX0532523	ABRX0532524	[redacted]				H (802)
DX113	ABRX0532525	ABRX0532526	[redacted]				H (802)
DX115	ABRX0536316	ABRX0536571	File History - U.S. Patent No. 6,753,006 (Application No. 09/629,501)	06/22/2004			H (802), I (402), P (403), M

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj	Elan Obj
DX118	ABRX0536660	ABRX0536663	[redacted]	03/14/1994			H (802)
DX119	ABRX0536667	ABRX0536667	[redacted]	12/04/1995			H (802)
DX120	ABRX0536668	ABRX0536668	[redacted]	12/13/1995			H (802)
DX121	ABRX0536670	ABRX0536670	[redacted]	03/04/1994			H (802)
DX122	ABRX0536697	ABRX0536698	Press Release - "Patrick Soon-Shiong, M.D., CEO of American BioSciences and Larry Norton, M.D., of Memorial Sloan Kettering Receive Gilda's Club New York City Award for the Advancement of Cancer Medicine"	01/27/2006			H (802), I (402)
DX123	ABRX0536755	ABRX0536755	Presentation - Abraxane in the Press				H (802), I (402)
DX124	ABRX0536756	ABRX0536756	Presentation - Patient with Stage IV Adenocarcinoma of the Breast Treated with Abraxane + Avastin	10/00/2007			
DX125	ABRX0536757	ABRX0536760	Presentation - Phase I: Clinical Response in Patients Who Have Failed Taxol Therapy				
DX126	ABRX0536775 ABRX0536777	ABRX0536775 ABRX0536777	[redacted] Photograph	07/07/2006			H (802), I (402)
DX127	ABRX0536783	ABRX0536783	Poster No. 462 - Evidence of Enhanced In Vivo Efficacy at Maximum Tolerated Dose (MTD) of Nanoparticle Paclitaxel (ABI-007) Versus Taxol in 5 Human Tumor Xenografts of Varying Sensitivity to Paclitaxel				H (802), I (402), Opinion (702, 703)
DX128	ABRX0536784	ABRX0536784	[redacted]	00/00/2002			
DX129	ABRX0536786	ABRX0536786	Poster No. 523 - Preclinical and Clinial Pharmacokinetics and Safety of ABI-007 — a Novel, Cremophor®-Free, Protein-Engineered Nanotransporter of Paclitaxel				H (802), I (402), Opinion (702,703)
DX130	ABRX0536787	ABRX0536787	Poster No. 524 - Evidence of a Novel Transporter Mechanism for a Cremophor®-Free, Protein-Engineered Paclitaxel (ABI-007) and Enhanced In Vivo Antitumor				H (802), I (402), Opinion (702,703)

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Ex. No.	Beg. Bates No.	End. Bates No.	Description	Date	Depo. Ex.	Abrx Obj.	Elan Obj.
			Activity in an MX-1 Human Breast Tumor Xenograft Model				
DX131	ABRX0536789	ABRX0536789	Poster - Evidence of Greater Antitumor Activity of Cremophor-free Nanoparticle Albumin-Bound(nab) Paclitaxel (Abraxane) Compared to Taxol: Role of a Novel Albumin Transporter Mechanism				H (802), I (402), Opinion (702,703)
DX132	ABRX0536792	ABRX0536792	Article - Jennifer Tershak, "Abraxis BioScience Phase II Abraxane Study Shows Increased Tumor Response Rate Over 60%"	12/17/2006			
DX133	ABRX0536793	ABRX0536794	Press Release - "Abraxis BioScience Founder Awarded Ellis Island Medal of Honor"	05/14/2007			H (802), I (402)
DX134	ABRX0536808	ABRX0536808	Poster - Rationale, Preclinical Support, and Clinical Proof-of-Concept for Formulating Water-insoluble Therapeutics as Albumin-stabilized Nanoparticles: Experience with Paclitaxel				H (802), Opinion (702,703), R illegible
DX135	ABRX0536811	ABRX0536812	[redacted]	11/30/2006			H (802), I (402)
DX136	ABRX0536831	ABRX0536834	Article - Albumin-Bound Paclitaxel Formulation in Metastatic Breast Cancer"	12/03/2006			H (802), Opinion (702,703)
DX137	ABRX0536929	ABRX0536931	Article - "Soon-Shiong Family Gifts $35 Million to Saint John's Health Center"	01/15/2007			H (802), I (402)
DX138	ABRX0536935	ABRX0536935	Photograph - R,M	10/10/2007			I (402); P (403)
DX139	ABRX0536936	ABRX0536936	Photograph - R,M	10/24/2007			I (402); P (403)
DX140	ABRX0537201	ABRX0537204	Presentation - Phase I: Clinical Response in Patients Who Have Failed Taxol Therapy				
DX141	ABRX0537237	ABRX0537238	[redacted]	01/11/2008			A (901), X (403), H (802), Opinion (702,703)
DX142	ABRX0537354	ABRX0537370	Presentation - Nab-Paclitaxel vs. Docetaxel in First Line MBC - Final Analysis (Submission ASCO 2008)				
DX143	ABRX-MERK0000159	ABRX-MERK0000216	Technology Transfer and License Agreement between Merck & Co., Inc. and NanoSystems L.L.C.	08/11/1998			
DX146	ABRX-	ABRX-	License Agreement between Elan Pharma International Limited and F. Hoffmann-LA RocheLtd and Hoffmann-LA	05/24/2004			

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	ROCHE0000182	ROCHE0000224	RocheInc.				
DX147	ATWOOD0000160	ATWOOD0000160	Data				H (802), Opinion (702,703), P (403)
DX148	ATWOOD0000161	ATWOOD0000161	Data				H (802), Opinion (702,703), P (403)
DX149	ATWOOD0000194	ATWOOD0000206	Article - Saleki-Gerhardt et al., "Assessment of disorder in crystalline solids"	00/00/1994			H (802)
DX150	ATWOOD0000207	ATWOOD0000215	Article - Taylor and Zografi, "The Quantitative Analysis of Crystallinity Using FT-Raman Spectroscopy"	00/00/1995			H (802), I (402); P (403)
DX151	ATWOOD0000216	ATWOOD0000221	Article - T. Ungar, "Microstructure of Nanocrystalline Materials Studied by Powder Diffraction"	00/00/2006	Brittain3		H (802)
DX152	ATWOOD0000222	ATWOOD0000247	A. S. Myerson, "Handbook of Industrial Crystallization," Section 2.2, Nucleation	00/00/2002			H (802)
DX153	ATWOOD0000248	ATWOOD0000252	Grams/32 User's Guide V4.0	00/00/1981			H (802), I (402)
DX154	ATWOOD0000253	ATWOOD0000255	G. G. Hawley, "The Condensed Chemical Dictionary," Tenth Edition	00/00/1981			
DX155	ATWOOD0000256	ATWOOD0000259	Article - C. Bonnelle and C. Mande, "Advances in X-ray Spectroscopy," Preface	00/00/1982			H (802),
DX156	ATWOOD0000260	ATWOOD0000270	R. Jenkins and R. L. Snyder, "Introduction to X-ray Powder Diffractrometry," Data Reduction from Automated Diffractrometers	00/00/1996			H (802)
DX157	ATWOOD0000271	ATWOOD0000273	S. S. Zumdahl and S. A. Zumdahl, "Chemistry," Sixth Edition, Chapter 10, Section 10.3, An Introduction to Structures and Types of Solids	00/00/2003			H (802), I (402); P (403)
DX158	ATWOOD0000274	ATWOOD0000280	Article - Class et al., "Quantification of crystallinity in blends of lyophilized and crystalline MK-0591 using X-ray powder diffraction"	00/00/1995			H (802), I (402), P (403)
DX159	ATWOOD0000281	ATWOOD0000283	I. N. Levine, "Physical Chemistry," Fourth Edition, Chapter 24, Solids and Liquids	00/00/1995			H (802), I (402), P (403)
DX16	ABRX0000030	ABRX0000142	File History of U.S. Patent No. 5,145,684 (Liversidge et al.)	09/08/1992			

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Admx Obj.	Other Obj.
DX161	ATWOOD0000289	ATWOOD0000291	G. W. Castellan, "Physical Chemistry," Third Edition, Chapter 27, Structure of Solids	00/00/1983			H (802), I (402), P (403)
DX162	ATWOOD0000292	ATWOOD0000297	H. G. Brittain, "Polymorphism in Pharmaceutical Solids," Chapter 1, Theory and Origin of Polymorphism	00/00/1999			H (802) , X (403)
DX163	ATWOOD0000298	ATWOOD0000301	J. Bernstein, "Polymorphism in Molecular Crystals," Section 1.3, Is this material polymorphic?	00/00/2002			H (802), X (403)
DX164	ATWOOD0000302	ATWOOD0000308	Article - Wijnhoven, "Seeded growth of monodisperse gibbsite platclcts to adjustable sizes"	00/00/2005			I (402), H (802)
DX165	ATWOOD0000309	ATWOOD0000315	Article - Sau and Murphy, "Self-Assembly Patterns Formed upon Solvent Evaporation of Aqeous Cetyltrimcthylammonium Bromide-Coated Gold Nanoparticles of Various Shapes"	00/00/2005			I (402) H (802),
DX166	ATWOOD0000316	ATWOOD0000319	Article - Koh and Wong, "In Situ Monitoring of Structural Changes during Colloidal Self-Assembly"	00/00/2006			I (402), H (802)
DX167	ATWOOD0000320	ATWOOD0000324	H. G. Brittain, "Polymorphism in Pharmaceutical Solids," II. Detection of Crystallinity	00/00/1999			H (802)
DX168	ATWOOD0000325	ATWOOD0000329	Article - R. Hilfiker, "Polymorphism in the Pharmaceutical Industry," Chapter 15, Scientific Considerations of Pharmaceutical Solid Polymorphism in Regulatory Applications	00/00/2006			X (403), H (802),
DX169	ATWOOD0000342	ATWOOD0000437	Analysis of Munson Exhibits (Exhibit A to AtwoodRebuttal Expert Report)				Opinion (702,703); P (403)
DX170	ATWOOD0000443	ATWOOD0000446	G. H. Stout and L. H. Jensen, "X-ray Structure Determination, A Practical Guide," Second Edition, Section 4.3, Choosing a Crystal	00/00/1989			X (403), H 802, 803(18),
DX171	ATWOOD0002436	ATWOOD0002535	Various journal articles regarding performing X-ray powder diffraction of nanoparticles		Atwood19		R (multiple docs); H (802)
DX172	BARICH0000035	BARICH0000035	Email chain from Lianjun Shi to Cory Berkland and Dewey BARICHcc Eric Munsonre samples	01/25/2007			H (802)
DX173	BARICH0000041	BARICH0000042	Email chain from Cory Berkland to Dewey BARICHre NRM	02/02/2007	BARICH10		H (802)

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
DX174	BARICH0000063	BARICH0000063	Email chain from Cory Berkland to Dewey BARICHre taxol	04/19/2007			H (802)
DX175	BARICH0000079	BARICH0000087	Article - BARICHet al., "Investigation of Solid-State NMR Line Widths of Ibuprofen in Drug Formulations"	07/00/2006			H (802)
DX177	BARICH0000103	BARICH0000108	Article - Harper et al., "A Combined Solid-State NMR and X-ray Powder Diffraction Study of a Stable Polymorph of Paclitaxel"	00/00/2005			H (802)
DX179	BERKLAND0000341	BERKLAND0000341	Email chain from Cory Berkland to Lianjun Shi re notebook	08/13/2007	Berkland 5		H (802), I (402)
DX180	BERKLAND0000418	BERKLAND0000418	Email chain from Cory Berkland to Lisa Chiarini and Linda Glover re Abraxane Study	01/25/2007			H (802), I (402), P (403)
DX181	BERKLAND0000429	BERKLAND0000430	Email chain from Cory Berkland to Lisa Chiarini and Linda Glover re image CMX-II 300	04/05/2007			H (802), I (402), P (403)
DX182	BERKLAND0001712	BERKLAND0001722	Email chain from Cory Berkland to Dewey BARICHre Lisa's email	04/26/2007			H (802), I (402) P (403)
DX183	BERKLAND0000171	BERKLAND0000180	Article - Arnold et al., "NanoCipro Encapsulation in Monodisperse Large Porous PLGA Microparticles"	00/00/2007	Berkland 2		H (802)
DX184	BERKLAND0000430 BERKLAND0000433 MUNSON0002204 MUNSON0002208 MUNSON0002466 MUNSON0002488	BERKLAND0004300 BERKLAND0000433 MUNSON0002205 MUNSON0002216 MUNSON0002468 MUNSON0002489	NMR Spectra		BARICH3b (only Berkland 433)		R (multiple docs)
DX185	BRITTAIN0003808	BRITTAIN0003810	Confidentiality and Non-Disclosure Agreement between Harry Brittainand William Sipio	11/18/2005			
DX186	BRITTAIN0003814	BRITTAIN0003814	Harry BrittainEngagement Letter	11/23/2005			
DX187	BYRN0004787	BYRN0004803	Presentation - Amorphous Dispersions and X-ray Powder Diffraction	11/00/2007			H (802), I (402)
DX188	CROUCH0003605	CROUCH0003614	United States Patent No. 5,399,363 with Certificate of Correction -Liversidge et al.	03/02/1995			

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Exh. No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
DX189	ELANP0004199	ELANP0004202	Memo from John Bishop to Ken Cundy and Pramod Sarpotdar re X-Ray Powder Diffraction Data	05/16/1991			I (402), P (403)
DX190	ELANP0007020	ELANP0007020	Memo from H. William Bosch to Elaine Liversidge re Microbead Protocol	04/12/1994			I (402), H (802),
DX191	ELANP0007472	ELANP0007695	Laboratory Notebook 1132 (Pramod P. Sarpotdar)	03/26/1991			
DX192	ELANP0010403	ELANP0010441	Memo from Sharon Hajj to Joseph Tiberio re Samples for ICP	03/22/1995			R (multiple docs); H (802); I (402)
DX193	ELANP0010901	ELANP0010922	Piposulfan Presentation and Sterling Memo from Joseph Bruno to Pramod Sarpotdar re Effect of HLB on the Milling of Piposulfan	05/21/1992	Sarpotdar 4		
DX194	ELANP0010949	ELANP0010964	Report - Initial Feasibility Study with Busulfan Using 6 Surfactants by Nancy Peltier and other studies	3/23/1995 to 4/12/1995			R (multiple docs); H (802), I (402)
DX195	ELANP0011035	ELANP0011035	Report - NanoPaclitaxel Samples - L. Wei	03/01/1996			H (802)
DX196	ELANP0011106	ELANP0011109	Data - Milled Formulation - taxol - L. Wei	10/24/1995			R (multiple docs), P (403),
DX197	ELANP0012597	ELANP0012608	Report - Milled Formulations - retinoic acid - L. Wei	05/17/1995			R (multiple docs) , H (802), P (403)
DX198	ELANP0015973	ELANP0015977	Memo from Elaine Liversidge to Joseph Tiberio re ICP and actual ICP data nanotaxol formulations	10/19/1994 & 04/19/1994			R (multiple docs), I (402), P (403), H (802)
DX199	ELANP0016032	ELANP0016244	Laboratory Notebook 5470 (Nancy Peltier)	01/26/1995			P (403) as to redacted pages
DX200	ELANP0017276	ELANP0017310	Presentation - Nano-Oncologics Parenterals - Generic Development Plan				R (multiple docs), I (402),
DX201	ELANP0017995	ELANP0018209	Laboratory Notebook 2184 (Joseph Bruno)	05/13/1992			P (403) as to redacted pages, I 402 as to unclaimed agents
DX202	ELANP0018210	ELANP0018436	Laboratory Notebook 1881 (Joe Bruno)	12/27/1991			P (403) as to redacted pages, I 402 as to

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
							unclaimed agents
DX203	ELANP0018447	ELANP0018456	Presentation - Nano-Paclitaxel				
DX204	ELANP0018457 ELANP0022739	ELANP0018491 ELANP0022761	Presentation - Nano-Taxol Update Presentation - Nano-Taxol/Objectives	00/00/1994			R (multiple docs), I (402), P (403)
DX205	ELANP0031526	ELANP0031568	Presentation - NanoSystems - NanoCrystal Technology Overview	12/05/1997			R (multiple docs), I (402), P (403), H (802)
DX206	ELANP0033709	ELANP0033716	Memo from Gary Liversidge re Nanos	08/30/1995			R (multiple docs), I (402)
DX207	ELANP0033991	ELANP0034026	Presentation - Nanoparticles	01/00/1991			I (402)
DX208	ELANP0034797 ELANP0036086 ELANP0196657	ELANP0034804 ELANP0036092 ELANP0196662	CV - Elaine Merisko-Liversidge, Ph.D.				
DX209	ELANP0036079	ELANP0036085	CV - David A. Czekai				
DX211	ELANP0036248	ELANP0036258	Article - de Garavilla et al., "Controlling the Acute Hemodynamic Effects Associated With IV Administration of Particulate Drug Dispersions in Dogs"	00/00/1996			I (402), P (403), H (802))
DX213	ELANP0036301	ELANP0036307	Article - G. Liversidge et al., "Particle Size Reduction for Improvement of Oral Bioavailability of Hydrophobic Drugs: I. Absolute Oral Bioavailability of Nanocrystalline Danazol in Beagle Dogs"	00/00/1995			I (402), P (403), H (802)
DX215	ELANP0036464	ELANP0036473	CV - Lawrence De Garavilla, M.S., Ph.D.	05/00/2002			
DX216	ELANP0036965	ELANP0037010	License Agreement between Elan Pharma International Limited and Aventis Pharma S.A.	12/19/2003			
DX222	ELANP0038281	ELANP0038287	Experimentation and Evaluation Agreement between NanoSystems, L.L.C. and Bristol-Myers Squibb Company	02/01/1996			
DX223	ELANP0043643	ELANP0043829	Laboratory Notebook 4030 (Sharon K. Hajj)	12/06/1993			
DX224	ELANP0056696	ELANP0056714	Sterling Memo from Cardiovascular Pharmacology to Distribution re Final Study Report for SWPRD Study Report No. 832	07/02/1992	Maniar10		I (402), P (403)

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Ex. No	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX225	ELANP0059354	ELANP0059403	Sterling Memo from Department of Vascular and Biochemical Pharmacology re Final Study Report for Study Report No. 1137	03/02/1993	Maniar11 DeGaravilla 3 (ELANP00407 37-91-duplicate)		I (402), P (403)
DX226	ELANP0065971 ELANP0065981	ELANP0065972 ELANP0066180	Laboratory Notebook 5457 (Liente Wei)	12/2/1997			P (403) as to redacted pages, I 402 as to unclaimed agents
DX227	ELANP0070969	ELANP0071176	Laboratory Notebook 5489 (Nancy Peltier)	09/11/1995			P (403) as to redacted pages, I 402 as to unclaimed agents
DX228	ELANP0071825	ELANP0072035	Laboratory Notebook 5486 (Liente Wei)	01/18/1996			P (403) as to redacted pages, I 402 as to unclaimed agents
DX229	ELANP0072036	ELANP0072251	Laboratory Notebook 5502 (Nancy Peltier)	06/03/1996			P (403) as to redacted pages, I 402 as to unclaimed agents
DX230	ELANP0076563	ELANP0076597	Preprint: "Controlling the Acute Hemodynamic Effects Associated With IV Administration of Particulate Drug Dispersion in Dogs," by De Garavilla et al.	12/12/1995			I (402), H (802)
DX231	ELANP0077107	ELANP0077108	Memo from Gary Liversidge to Gene Cooper et al. re Biweekly Update for Nanoparticles to October 26	10/30/1990			I (402), W as to patent status patent status
DX232	ELANP0077112	ELANP0077115	Memo from Gary Liversidge to Gene Cooper re Biweekly Update for Nanoparticles to October 9	10/09/1990			I (402) as to nano-dano and nano-WIN 49596; W as to patent status
DX233	ELANP0077450 ELANP0077452	ELANP0077450 ELANP0077452	Memo from Marty to Eugene Cooper et al. re Zirconium Beads - Radioactivity in Zr beads	08/18/1993			I (402); P (403); R (multiple docs)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abbvs Obj.	Elan Obj.
DX234	ELANP0080275	ELANP0080275	Memo from Elaine Liversidge to Nancy Peltier re Busulfan	04/10/1995			H (802)
DX235	ELANP0081458 ELANP0081670 ELANP0081702 ELANP0081898 ELANP0083003	ELANP0081486 ELANP0081672 ELANP0081703 ELANP0081948 ELANP0083005	Data - Piposulfan Formulations Report - Piposulfan Report - Piposulfan Letter from Elaine Liversidge to Thomas Corbett re Piposulfan Formulation Report - Piposulfan	05/31/1995 06/19/1995 06/21/1995 07/31/1995 11/20/1995			P (403) as to R (multiple docs); H (802),
DX236	ELANP0083243	ELANP0083340	Memo from Pharmaceutical Sciences to Distribution re Approved Study Report No. 1458 "A Preliminary Report on the Media Milling of WIN ____ Using the KDL Dyno-Mill and LME-2 Netzsch Mill"	05/15/1994			I (402), H (802),
DX237	ELANP0083635	ELANP0083687	Presentation - Oncology Discovery Review	04/13/1993			I (402), H (802)
DX238	ELANP0085239	ELANP0085250	Department in Pharmaceutical Sciences, 93/94	12/00/1993	E. Liversidge 12		I (402), P (403), H (802)
DX239	ELANP0085709	ELANP0085709	Image - Nanocrystal Paclitaxel S.E.M. 15,000X				X, P (403), I (402)
DX240	ELANP0090974 ELANP0090975 ELANP0091128 ELANP0091140	ELANP0090974 ELANP0091025 ELANP0091139 ELANP0091144	Table - Formulation Data adsorption F108 Report - Nanoitraconazole Particles - HPLC Report - F108 adsorption studies Table - Formulation Data - adsorption F108	01/18/1996 12/17/1995 06/22/1995 01/18/1996			R (multiple docs), I (402),
DX241	ELANP0092598	ELANP0092598	Memo from Ken Cundy to Gary Liversidge re Amorphous Danazol	09/07/1990			I (402) H (802)
DX242	ELANP0092599	ELANP0092601	Memo from Gary Liversidge to Ken Cundy re Nanoparticles	09/07/1990			I (402), H (802)
DX243	ELANP0092621	ELANP0092621	Memo from Raymond Fabian to Distribution re Grinding Media Composition	09/12/1990			I (402)
DX244	ELANP0092626	ELANP0092630	Memo from Gary Liversidge to John Bishop et al. re Minutes of September 5 Meeting on Oral Nanoparticles	09/13/1990	G. Liversidge 27 Sarpotdar 12		I (402)
DX245	ELANP0095794	ELANP0096008	Laboratory Notebook 1823 (Joe Bruno)	08/20/1991			
DX246	ELANP0098247	ELANP0098453	Laboratory Notebook 5478 (Andrew Jones)				
DX247	ELANP0100978	ELANP0101195	Laboratory Notebook 1754 (H. William Bosch)	11/07/1991			I (402)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrks Obj.	Elan Obj.
DX248	ELANP0117901	ELANP0117908	NanoSystems BOSMA Meeting - Thursday, March 9, 1995	03/09/1995			I (402)
DX249	ELANP0121664	ELANP0121668	Memo to Distribution From P. Bini & L. Ogunbiyi re Surfactant Development Program Meeting	08/04/1993			1 (402)
DX250	ELANP0136089	ELANP0136371	Laboratory Notebook No. 741 (Nancy Peltier)		Taft 9		
DX251	ELANP0137126	ELANP0137154	Presentation - NanoCrystal Technology Licenses				
DX252	ELANP0137357	ELANP0137360	Memo from Gary Liversidge re Patents	08/31/1995	G. Liversidge 29 (only ELANP013735 9-60)		W as to P0137357-358; I (402)
DX253	ELANP0138495	ELANP0138509	Laboratory Notebook 6234 (Evan Gustow)	03/09/2006			I (402)
DX254	ELANP0140348	ELANP0140413	Collection of emails and preliminary reports regarding nanopaclitaxel formulations		E. Liversidge 17 Taft 5-7 (portions)		R (multiple docs) H as to 0140385-386, 0140382, 0140389 I (402) P (403)
DX255	ELANP0141005	ELANP0141006	Chart - Formulation/Injected Dose				I (402), P (403)
DX256	ELANP0141068	ELANP0141125	Various interoffice memorandums re dog studies	various (1995)			R (403) (multiple docs) I (402) H (802) as to de Garavilla
DX257	ELANP0144305	ELANP0144305	Summary of Costs Estimates for Formulation Development and Manufacturing Clinical Supplies				I (402)
DX258	ELANP0145848	ELANP0145878	Presentation - Nano-Oncology	08/00/1992			
DX259	ELANP0146066	ELANP0146066	NanoCrystalTM Injectable Formulations	no date			
DX260	ELANP0146226	ELANP0146228	Document - NanoSystems - Questions and Answers for NanoCrystal Colloidal Dispersions - contact person E. Liversidge				Opinion 702, 703 P (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrax Obj.	Elan Obj.
DX261	ELANP0146692	ELANP0146692	Email chain from Elaine Liversidge to Simon McGurk re New Drug Approved Using NanoTechnoology	01/26/2005			I (402), P (403), H (802), L (602)
DX262	ELANP0148270	ELANP0148309	Email from Elaine Liversidge to David Czekai et al. re Abraxane & P. Soon-Shiong presentation	11/18/2005			I (402), P (403),
DX263	ELANP0153566	ELANP0153566	Memo from Laura Kline to Elaine Liversidge re Paclitaxel (Battelle) Update	07/23/1998			
DX264	ELANP0154007	ELANP0154014	Report - Investigation into the Thermal Characteristic of Paclitaxel Versus Nanoparticulate Paclitaxel	10/25/1995			I (402), P (403)
DX265	ELANP0154015	ELANP0154017	XRPD Patterns -USP 23 Method - Paclitaxel	12/05/1995			
DX266	ELANP0154077	ELANP0154077	Chart - NanoCrystal Formulations of Paclitaxel for BBB Studies	08/14/2002			
DX267	ELANP0156975	ELANP0156992	Chart of results of drug surface modifier combinations				
DX268	ELANP0157638	ELANP0157658	Report - Piposulfan	06/20/1995			
DX269	ELANP0160892	ELANP0160900	Presentation - Elan - Taxol	03/09/2005	Czekai 22		P (403), H (802)
DX270	ELANP0162754	ELANP0162754	Email chain from Elaine Liversidge to Eugene Cooper re APP Announces Completion of Patient Enrollment for Pivotal Phase III Trial of A	01/21/2003			H (802)
DX271	ELANP0170624	ELANP0170646	Presentation - "For Injectables, When Would the Use of NanoCrystal® Technology Add Value to Your Program?"	04/24/2003			P (403) as to photographs
DX272	ELANP0172994	ELANP00173000	Email from Gary Liversidge to Janet Groff re Taxol (with attachment)	03/25/2005	G. Liversidge 4		H (802), L (602)
DX273	ELANP0173012	ELANP0173012	Email chain from Elaine Liversidge to William Bosch re Abraxane	03/10/2006			H (802), L (602)
DX274	ELANP0178410	ELANP0178416	Resume of Pramod P. Sarpotdar, Ph.D.		Sarpotdar 1		
DX275	ELANP0184838	ELANP0184841	Report - Paclitaxel (N9570) NanoMill Summary				H (802)
DX276	ELANP0185205	ELANP0185205	Email chain from Elaine Liversidge to Gary Liversidge re Abraxane	03/10/2006			I (402) H (802) L (602)

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX277	ELANP0187846	ELANP0187888	Email from Marie Lindner to Joe Fix re competitive intelligence attaching 11/00/2001 presentation entitled "Competitor Analysis - Formulation Approaches for Poorly Water Soluble Drugs"	08/12/2002	Czekai 26		I (402) P (403)
DX278	ELANP0190339 ELANP0190415	ELANP0190339 ELANP0190416	Email from Elaine Liversidge to David Czekai et al. re ABI007 Abstract- Gradishar et al., "Superior Efficacy of Albumin-Bound Paclitaxel, ABI-007, Compared with Polyethylated Castor Oil-Based Paclitaxel in Women with Metastatic Breast Cancer: Results of a Phase III Trial"	10/04/2005 09/27/2005			L (602); H (802) as to each document, R (403) multiple documents
DX279	ELANP0190792	ELANP0190795	Email from Elaine Liversidge to Eugene Cooper et al. attaching press release re Paclitaxel	04/11/2002			H (802), L (602), Opinion (702, 703)
DX28	ABRX0003168	ABRX0003184	United States Patent No. 6,096,331 - Desai et al.	08/01/2000			I (402), H (802), P (403), M
DX280	ELANP0197524	ELANP0197524	Chart - Summary of Paclitaxel Data Using the Nano-Mill				
DX281	ELANP0199572	ELANP0199617	NanoOncology Opportunities. Garu Liversidge	5/00/2005			P (403) as to photographs
DX282	ELANP0199829	ELANP0199829	Email from Elaine Liversidge to Gary Liversidge re PolySciences, Inc. Product bProMax Albumin Removal Kit-B	02/06/2006			I (402),M
DX283	ELANP0209943	ELANP0209980	Presentation - NanoCrystal				R (403) as to multiple docs; I (402)
DX284	ELANP0211256	ELANP0211256	Email chain from Elaine Liversidge to Scott Jenkins re Abraxane Vials	05/04/2006			I (402), P(403), M
DX285	ELANP0211377	ELANP0211377	Email chain from Elaine Liversidge to David Czekai et al. re Nano Paclitaxel Approved	01/10/2005			H (802), I (402),M
DX286	ELANP0213137	ELANP0213137	Email from Elaine Liversidge to Eugene Cooper et al. re Piposulfan Plan	11/12/1996			I (402)
DX287	ELANP0214236	ELANP0214239	Email from David Czekai to EDT Management Team et al. attaching article re Abraxis plans to file IND on nano nab-docetaxol	01/04/2006	Czekai 15		I (402), P (403), M

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Ex. No.	Beg. Bates No	End Bates No	Description	Date	Depo-Ex.	Abbvs Obj	Elan Obj.
DX288	ELANP0215797	ELANP0215805	Report - Nano-Paclitaxel				I (402)
DX289	ELANP0217915	ELANP0217917	Chart - Poorly Water Soluble AntiCancer Agents and Surface Modifiers				
DX290	ELANP0227982	ELANP0227986	Report - Long-Acting Ophthalmic Preparations (Exhibit AG to AmijiOpening Expert Report)				I (402), P (403) H (802)
DX291	ELANP0239521	ELANP0239522	Email chain from Elaine Liversidge to Jim McShane re studies with a NanoCrystal dispersion	08/23/1996			I (402)
DX292	ELANP0244305	ELANP0244305	Email from Seamus O'Loan to David Czekai re Paclitaxel	05/26/2006	Czekai 20		I (402),M
DX293	ELANP0244306	ELANP0244306	Email chain from Seamus O'Loan to Nancy Neill re paclitaxel	06/15/2006			I (402),M
DX294	ELANP0244307	ELANP0244307	Email chain from Seamus O'Loan to Nancy Neill et al. re Paclitaxel	07/18/2006	Czekai 13		I (402)
DX295	ELANP0247075	ELANP0247076	Pharmaceutical Research Activity March 29, 2006	03/29/2006			I (402)
DX296	ELANP0248413	ELANP0248414	Email chain from Daniel Von Hoff to Gary Liversidge re Respond from DVH	03/16/2000			H (802) as to DVH email
DX297	ELANP0254561	ELANP0254561	Email chain from Elaine Liversidge to Linda Mutter re Dog Reactions	02/13/2001	E. Liversidge 1		I (402)
DX298	ELANP0259004	ELANP0259005	Email chain from Elaine Liversidge to Gary Liversidge re About the Company	01/31/2005	E. Liversidge 3 G. Liversidge 3 Czekai 16		I (402), H (802),M
DX299	ELANP0259925	ELANP0259948	Presentation - Elan - Product Opportunities	06/21/2005			H (802)
DX300	ELANP0260184	ELANP0260185	Email chain from Scott Jenkins to Gary Liversidge et al. re Development Timeline/Cost for Paclitaxel	10/28/2005			I (402), M
DX301	ELANP0260187	ELANP0260193	Email chain from Elaine Liversidge to Gary Liversidge re Tox study	11/08/2005			I (402), H (802),M
DX302	ELANP0262602 ELANP0262603	ELANP0262602 ELANP0262603	Email from David Czekai to Paul Breen re Abraxane Background - doc about company	01/31/2005	Czekai 3		I (402), H (802), M
DX303	ELANP0273660	ELANP0273660	Nanocrystal Paclitaxel Development Plan Overview and Key Issues				I (402), P (403)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
DX304	ELANP0284853	ELANP0284888	Chart - Poorly Water Soluble Compounds and Surface Stabilizers	02/22/2004			
DX305	ELANP0295422	ELANP0295494	Presentation - Principle Risk Business	01/23/2006			I (402)
DX306	ELANP0296679	ELANP0296681	Pharmaceutical Research Activity May XX, 2006	05/00/2006			I (402), P (403),M
DX307	ELANP0296987	ELANP0296990	Email from Scott Jenkins to Gary Liversidge re Abraxane Better Than Taxol for Advanced Breast Cancer	03/28/2005			I (402), H (802),M
DX308	ELANP0297171	ELANP0297172	Email chain from Gary Liversidge to Seamus Oloan re Paclitaxel and ____ Dev Timelines	12/15/2005	G. Liversidge 7 Danishefsky 11 (ELANP02971 64)		I (402), P (403),M
DX309	ELANP0297173	ELANP0297173	Email from Scott Jenkins to David Czekai et al. re ANDA filing dates	1/10/2006			I (402), P (403),M
DX310	ELANP0297258	ELANP0297258	Email from Elaine Liversidge to Tuula Ryde re Paclitaxel	01/31/2006	G. Liversidge 10		I (402), P (403), M
DX311	ELANP0298553	ELANP0298553	Email from Deborah Neville to Seamus O'Loan re Forecasts: paclitaxel	01/11/2006	G. Liversidge 8		I (402), P (403),
DX312	ELANP0299281	ELANP0299283	Email from Yvonne Kennedy to Anthony Mahony et al. re EDT Dev Projects - Athlone Support June 7th 2006.doc	06/09/2006	Czekai 11		I (402), P (403)
DX313	ELANP0299371	ELANP0299388	Product Concept: Generic Abraxane, 1st to file	07/00/2005			I (402), P (403)
DX314	ELANP0300535	ELANP0300540	Abraxane - YTD & Full Year Spending	no date			I (402), P (403)
DX315	ELANP0300541	ELANP0300608	Presentation - Elan Drug Technology Quarterly Review - King of Prussia Q1 06 by David Czekai	05/30/2006	Danishefsky 10 (only 0300541 & 0300578) G. Liversidge 16		I (402), P (403)
DX316	ELANP0301586	ELANP0301639	Presentation - Elan Drug Technologies - Development Program Update by David Czekai	08/02/2006			I (402), P (403)
DX317	ELANP0305762	ELANP0305768	Elan Drug Technology's Portfolio Development Opportunities				I (402), P (403)
DX318	ELANP0306002	ELANP0306020	Commercial Section				I (402)

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX319	ELANP0306179	ELANP0306184	Slides from GSO meeting Athlone August 2005	08/00/2005			I (402)
DX320	ELANP0311636	ELANP0311636	Chart - ICP Taxol	04/11/1996			I (402)
DX321	ELANP0311975	ELANP0311986	Presentation - Nano-Paclitaxel Update Activities				
DX322	ELANP0312042	ELANP0312043	Work Plan for BMS Research Compounds	02/20/1998			I (402)
DX323	ELANP0312313	ELANP0312325	Services Agreement between Bristol-Myers Squibb Company and Elan Drug Delivery, Inc.				I (402)
DX324	ELANP0312394	ELANP0312445	License Agreement between Elan Pharma International Limited, Elan Drug Delivery, Inc. and Bristol-Myers Squibb Company	08/29/2003			
DX325	ELANP0314264	ELANP0314296	Report - Joint Report from the Department of Drug Delivery Oral Drug Delivery Group	01/02/1991			I (402)
DX326	ELANP0314381	ELANP0314382	Email chain from Elaine Liversidge to Michele Simkin re Pharmaceutical Online Newsletter	05/17/2002			H (802), W
DX327	ELANP0314385	ELANP0314392	Declaration of Elaine Merisko Liversidge re Japan Appl. No. 92/11226	04/26/2004			
DX328	ELANP0314755	ELANP0314843	Presentation - Development Plans for Elan Proprietary Products	01/23/2006	Czekai 23 (Czekai 23 ELANP0301640-301728 but exact duplicate)		I (402)
DX331	ELANP0316601	ELANP0316604	Chart - Elan Pharma International Limited - Profit and Loss Account	12/31/2003			
DX332	ELANP0318931	ELANP0318933	Document - BMS - NanoCrystal Technology License				
DX333	ELANP0319167.001	ELANP0319167.004	Terminal Disclaimer for U.S. Patent No. 5,399,363	10/24/2007			
DX334	ELANP0320759	ELANP0320761	Email chain from William Bosch to Scott Jenkins re Development timeline / cost for paclitaxel and Draft Paclitaxel Development Plan Through Phase I	11/02/2005			I (402)
DX335	HAIDAK0000041	HAIDAK0000043	Letter from Paul Fehlner to Haidak re retainer agreement	10/03/2006	Haidak 6		I (402)

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX336	HAMRELL0000067	HAMRELL0000088	Guidance for Industry - Clinical Trial Endpoints for the Approval of Cancer Drugs and Biologics	05/00/2007			
DX337	HAMRELL0000089	HAMRELL0000099	Article - Bernstein et al., "Translating Cutting-Edge Academic Science Into Biotech Drugs"	09/00/2003			H (802), I (402)
DX338	HAMRELL0000100 HAMRELL0000104 HAMRELL0000106	HAMRELL0000101 HAMRELL0000105 HAMRELL0000107	News Release - Sonus Pharmaceuticals Enrolling Patients in Phase I Study With Novel Paclitaxel Formulations for Cancer Treatment News Release - Phase 3 Pivotal Trial of TOCOSOL Paclitaxel Does Not Meet Primary Endpoint News Release - Sonus Pharmaceuticals Initiates Pivotal Phase 3 Trial of TOCOSOL Paclitaxel for Treatment of Metastatic Breast Cancer	01/8/2001 09/24/2007 09/28/2005			R (403) (multiple documents) H (802), I (402) as to each document
DX339	HAMRELL0000114	HAMRELL0000117	Article - Hamrell, "Clinical Trials of Drugs for Life-Threatening Illnesses"	05/00/1992			H (802), I (402)
DX340	HAMRELL0001187	HAMRELL000011 96	Article - Hamrelland Horowitz, "Understanding Expanded Access Programs"	00/00/1991			H (802), I (402)
DX341	HAMRELL0001197	HAMRELL000011 98	News Release - TOCOSOL Paclitaxel Demonstrates Less Neuropathy in Preclinical Study Compared to Approved Taxane Products	04/16/2007			H (802), I (402)
DX343	JAROSZ0010157	JAROSZ0010160	Chart - Potential Elan Royalty Revenues from Abraxis BioScience's Sales of Abraxane	08/03/2007			
DX344	JAROSZ0010195	JAROSZ0010209	Email from John Browning to Robert Maier re Elan v. Abraxis - Conference Call	08/03/2007			
DX345	JAROSZ0010256	JAROSZ0010258	Invoice from Analysis Group	11/13/2007	JaroszEx. 10		H (802), I (402)
DX346	JAROSZ0010259	JAROSZ0010261	Invoice from Analysis Group	02/23/2007	JaroszEx. 05		H (802), I (402)
DX347	JAROSZ0010262	JAROSZ0010264	Invoice from Analysis Group	05/09/2007	JaroszEx. 06		H (802), I (402)
DX348	JAROSZ0010265	JAROSZ0010267	Invoice from Analysis Group	08/16/2007	JaroszEx. 07		H (802), I (402)
DX349	JAROSZ0010268	JAROSZ0010270	Invoice from Analysis Group	09/17/2007	JaroszEx. 08		H (802), I (402)
DX350	JAROSZ0010271	JAROSZ0010273	Invoice from Analysis Group	10/18/2007	JaroszEx. 09		H (802), I (402)

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrks Obj.	Elan Obj.
DX351	JAROSZ0010442	JAROSZ0010482	Email chain from Linda Glover to Jacqueline Lowe re Abbott License Agreement	10/15/2007			H (802), I (402)
DX354	LDG0000111	LDG0000118	Article - Krantz et al., "Sugar Alcohols–XXVI. Pharmacodynamic Studies of Polyoxyalkylene Derivatives of Hexitol Anhydride Partial Fatty Acid Esters"	00/00/1948	DeGaravilla 6		I (402), P (403) H (802)
DX355	LDG0000119	LDG0000122	Article - Krantz et al., "Sugar Alcohols–XXVII. Drug Allergy in the Canine Family"	00/00/1948	DeGaravilla 7		I (402), P (403) H (802)
DX356	LDG0000123	LDG0000128	Article - Goth et al., "Effect of Cortisone on Histamine Liberation Induced by Tween in the Dog (19239)"	00/00/1951			I (402), P (403) H (802)
DX357	LDG0000191	LDG0000199	Article - Krantz et al., "Sugar Alcohols–XXVIII. Toxicologic, Pharmacodynamic and Clinical Observations on Tween 80*"	00/00/1951			I (402), P (403) H (802)
DX358	LDG0000224	LDG0000229	Article - Gough et al., "Hypotensive Action of Commercial intravenous Amiodarone and Polysorbate 80 in Dogs"	00/00/1982	DeGaravilla 8		I (402), P (403) H (802)
DX359	LDG0000244	LDG0000250	Article - Munoz et al., "A Randomized Hemodynamic Comparison of Intravenous Amiodarone With and Without Tween 80"	00/00/1988	DeGaravilla 15		I (402), P (403) H (802)
DX360	LDG0000623	LDG0000627	Article - Ostensen et al., "Intravenous Injection of AlbunexR microspheres Causes Thromboxane Mediated Pulmonary Hypertension in Pigs, But Not in Monkeys or Rabbits"	00/00/1992			I (402), P (403) H (802)
DX361	LDG0000829	LDG0000831	Article - Holtz et al., "Hemodynamic Responses to Particulate Contrast Media: Choice of Animal Species"	00/00/1991	DeGaravilla 5		I (402), P (403) H (802)
DX362	LDG0001031	LDG0001056	Article - P. H Elworthy and J. Treon, "Physiological Activity of NonIonic Surfactants", Chapter 28, NonIonic Surfactants	00/00/1967	DeGaravilla 9		I (402), P (403) H (802)
DX363	MUNSON0000666	MUNSON0000682	Email chain from Cory Berkland to Eric Munsonre nanotax NMR	01/11/2007			I (402), H (802)
DX364	MUNSON0000753	MUNSON0000753	Abstract - Barich, "Solid-State Study of Pharmaceuticals				
DX365	MUNSON0000764	MUNSON0000764	Abstract - Munson, "Solid-State NMR Studies of Pharmaceuticals"				
DX366	MUNSON0000814	MUNSON0000824	Article - Liang, et al., "Solvent Modulated Polymorphism of Sodium Stearate Crystals Studied by X-ray Diffraction, Solid-State NMR, and Cryo-SEM"	00/00/2001			

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrx. Obj.	Elan Obj.
DX367	MUNSON0000825	MUNSON0000838	Article - Zell et al., "Investigation of Polymorphisn in Aspartame and Neotame Using Solid-State NMR Spectroscopy"	00/00/2003			H (802), I (402)
DX368	MUNSON0001058	MUNSON0001303	Spinsight Software Revision 3.0, CMX Infinity User's Guide	00/00/1996			H (802),I (402)
DX370	MUNSON0002203.00001	MUNSON0002203.00034	Data				
DX371	MUNSON0002464	MUNSON0002468	Email from Eric Munsonto Linda Glover re Elan v. Abraxis attaching sep1.pdf, cryst.pdf, amorph.pdf and orig.pdf	03/15/2007			H (802), I (402)
DX372	MUNSON0002470	MUNSON0002474	Email from Eric Munsonto sipz25@aol.com cc Baker Botts re NMR results part 2 attaching sepnew.pdf, sep2.pdf, andis2.pdf and amorph.pdf	05/04/2007			H (802), I (402)
DX373	MUNSON0002478	MUNSON0002481	Email from Eric Munsonto sipz25@aol.com cc Baker Botts re NMR results attaching amorphmay.pdf, subtrmay.ps, sepnewmay.pdf and sep2may.pdf	05/02/2007			
DX374	MUNSON0002482	MUNSON0002489	Email from Eric Munsonto sipz25@aol.com cc Baker Botts re NMR Results attaching dihydne.pdf, anhydne.pdf, amorphne.pdf, sep2ne.pdf and sepnewne.pdf	05/04/2007			H (802), I (402)
DX375	MUNSON0001235	MUNSON0001235	Excerpts - "Using the Deconvolution Panel" (Exhibit N to AtwoodSupplemental Expert Report)				Opinion 702, 703, H (802), I (402)
DX376	MUNSON0002232	MUNSON0002238	Article - Padden et al., "Comparison of Solid-State 13C NMR Spectroscopy and Powder X-Ray Diffraction for Analyzing Mixtures of Polymorphs of Neotame"	00/00/1999			H (802)
DX377	MUNSON0002239	MUNSON0002247	Article - Dong et al., "Crystal Structure and Physical Characterization of Neotame Methanol Solvate"	00/00/1999			H (802)
DX378	MUNSON0003358 MUNSON0003362 MUNSON0006519 MUNSON0005616 MUNSON0002526 MUNSON0004188 MUNSON0004556 MUNSON0005069 MUNSON0002894 MUNSON0008795	MUNSON0003358 MUNSON0003362 MUNSON0006521 MUNSON0005618 MUNSON0002527 MUNSON0004189 MUNSON0004557 MUNSON0005071 MUNSON0002895 MUNSON0008796	NMR parameter text files				Opinion 702, 703, 705, H (802)

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Ex. No.	Beg. Bates. No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	MUNSON0008060 MUNSON0007870 MUNSON0009967 MUNSON0003299 MUNSON0003730 MUNSON0003146	MUNSON0008061 MUNSON0007871 MUNSON0009968 MUNSON0003300 MUNSON0003732 MUNSON0003147					
DX378	MUNSON0009163 MUNSON0002948 MUNSON0004611 MUNSON0004613 MUNSON0003200 MUNSON0003047 MUNSON0010129 MUNSON0001594 MUNSON0001540 MUNSON0001304 MUNSON0010097 MUNSON0010001 MUNSON0010065 MUNSON0009969 MUNSON0010033 MUNSON0007570 MUNSON0007283 MUNSON0007792 MUNSON0007602 MUNSON0003363	MUNSON0009165 MUNSON0002949 MUNSON0004611 MUNSON0004613 MUNSON0003201 MUNSON0003048 MUNSON0010132 MUNSON0001595 MUNSON0001541 MUNSON0001305 MUNSON0010098 MUNSON0010002 MUNSON0010066 MUNSON0009970 MUNSON0010034 MUNSON0007571 MUNSON0007285 MUNSON0007793 MUNSON0007603 MUNSON0003365					Opinion 702, 703, 705, H (802)
DX379	MUSIKA0000001	MUSIKA0000001	Document - Information re Form 10				
DX380	MUSIKA0003396	MUSIKA0003423	Presentation - Abraxane for injectable Suspension				
DX381	MUSIKA0004351	MUSIKA0004533	Abraxis BioScience, Inc. - Form 10-K	12/31/2001			
DX382	MUSIKA0004534	MUSIKA0004607	Abraxis BioScience, Inc. - Form 10-K	12/31/2002			
DX383	MUSIKA0004608	MUSIKA0004772	Abraxis BioScience, Inc. - Form 10-K	12/31/2003			
DX384	MUSIKA0004979	MUSIKA0005141	Abraxis BioScience, Inc. - Form 10-K	12/31/2006	Wendel Ex. 03		
DX385	MUSIKA0005330	MUSIKA0005390	Abraxis BioScience, Inc. - Form 10-Q	06/30/2007			

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX386	MUSIKA0005394	MUSIKA0005561	New Abraxis, Inc. - Form 10-12B	08/09/2007	JaroszEx. 03		
DX387	MUSIKA0008312	MUSIKA0008390	Elan Corporation, PLC - Annual Report	00/00/1999			I (402), H (802)
DX388	MUSIKA0008391	MUSIKA0008464	Elan Corporation, PLC - Annual Report & Form 20-F	00/00/2000			I (402), H (802)
DX389	MUSIKA0008465	MUSIKA0008622	Elan - Annual Report & Form 20-F	00/00/2001			I (402), H (802)
DX390	MUSIKA0008623	MUSIKA0008813	Elan - Annual Report & Form 20-F	00/00/2002			I (402), H (802)
DX391	MUSIKA0008814	MUSIKA0009015	Elan - Annual Report & Form 20-F	00/00/2003			I (402), H (802)
DX392	MUSIKA0009217	MUSIKA0009378	Elan Corporation, PLC - Form 20-F	12/31/2005			I (402), H (802)
DX393	MUSIKA0009379	MUSIKA0009533	Elan Corporation, PLC - Form 20-F	12/31/2006			I (402), H (802)
DX394	MUSIKA0009535	MUSIKA0009686	Elan Corp PLC - Form 20-F/A	12/31/2004			I (402), H (802)
DX395	MUSIKA0009687	MUSIKA0009780	Elan Corporation, PLC - Form 20-F	12/31/1998			I (402), H (802)
DX396	MUSIKA0009781	MUSIKA0009876	Elan Corporation PLC - Form 20-F/A1	12/31/2000			I (402), H (802)
DX397	WINKLER0000005 WINKLER0000009 WINKLER0000013	WINKLER0000007 WINKLER0000010 WINKLER0000025	FTIR Data				
DX398	WINKLER0000008	WINKLER0000008	Reference: Bull. Korean Chem. Soc. 2001, 22, 925				
DX399	WINKLER0000160	WINKLER0000163	Article - Lee et al., "Preparation and Characterization of Solvent Induced Dihydrated, Anhydrous, and Amorphous Paclitaxel"	00/00/2001			
DX400	WINKLER0000171	WINKLER0000172	Confidentiality and Non-Disclosure Agreement between Jeffery Winklerand William Sipio	12/02/2005			
DX401	WINKLER0000173	WINKLER0000173	General Release Agreement between Jeffery Winklerand William Sipio	12/27/2005			
DX402	WINKLER0000184	WINKLER0000184	Email chain from Ron Bihovsky to Jeffery Winklerre Dihydate	04/23/2007			
DX403	WINKLER0000187	WINKLER0000187	Email chain from Ron Bihovsky to Jeffery Winklerre Taxol Samples	09/17/2007			

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Ex No.	Beg Bates No.	End Bates No.	Description	Date	Depo Ex	Abrxs Obj	Elan Obj
DX404	WINKLER0000188	WINKLER0000189	Email chain from Riichiro Tsuji to Jeffrey Winklerre Paclitaxel	10/05/2006			
DX405	WINKLER0000192	WINKLER0000192	Email chain from Ron Bivosky to Jeffrey Winklerre More Taxol	04/09/2007			
DX406	WINKLER0000197	WINKLER0000198	Handwritten notes on Taxol - Amorphous and 2H2O				
DX407			"Dissolution", Chapter 35, Remington's Pharmaceutical Science		Brittain13		U
DX408			358 Patent, Col. 4:5-6 and '358 Patent, Claim 1, Col. 44:45-47		Manning 13		I (402), P (403), U
DX409	ABRX0537523	ABRX0537648	Abraxis BioScience, Inc. - Annual Report & Form 10K	0/0/2007			U; X (403)
DX410			Amendment and Reply Under 37 C.F.R. § 1.111 for Application No. 10/392,403 (Elaine Mersiko-Liversidge et al.)	09/13/2007			I (402), P (403), M, U
DX411			Amendment and Reply Under 37 C.F.R. § 1.111 for Application No. 10/429,245 (Cunningham et al.)	03/05/2007			I (402), P (403), M, U
DX412			Amendment and Reply Under 37 C.F.R. § 1.111 for Application No. 10/701,064 (Bosch et al.)	01/10/2007			I (402), P (403), Opinion 702, 703, U, M
DX413			Amendment and Reply Under 37 C.F.R. § 1.111 for Application No. 10/712,259 (Elaine Mersiko-Liversidge)	07/27/2006			I (402), P (403), Opinion 702, 703, U, M
DX414			Amendment and Reply Under 37 C.F.R. § 1.116 for Application No. 10/701,064 (Bosch et al.)	07/06/2007			I (402), P (403), Opinion 702, 703, U,M
DX415			Analysis of MunsonExhibits (Exhibit B to AtwoodRebuttal Expert Report)				U
DX416			APP Pharmaceuticals, Inc. - Form DEFM14C	03/13/2006			U
DX417			Article - "Blast 2 Sequences Results Version BLASTP 2.2.17" (Exhibit 11 to AmijiRebuttal Expert Report)	8/26/2007			H (802), I (402), P (403), U
DX418			Article - "Dynamic Light Scattering: An Introduction in 30 Minutes" (Exhibit AF to AmijiOpening Expert Report)				H (802), I (402), P (403), U

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX419			Article - "Elan Reports Fourth Quarter and Full-Year 2007 Financial Results"	02/13/2008			U, I (402), P (403),U
DX420			Article - Bates et al., "Analysis of Amorphous and Nanocrystalline Solids from Their X-Ray Diffraction Patterns"	10/00/2006			H (802), U
DX421			Article - Gill et al., "Thermal Aggregation of Cod (Gadus morhua) Muscle Proteins Using 1-Ethyl-3-(3-Dimethylaminopropyl) Carbodiimide as a Zero Length Cross-Linker" (Exhibit 7 to AmijiRebuttal Expert Report)				I (402), P(403), U
DX422			Article - H. Brittainet al., "Physical Characterization of Pharmaceutical Solids"	00/00/1991			I (402), H (802), U
DX423			Article - H. Brittain, "Perspective on Polymorphism"	08/00/1994			I (402), H (802), U
DX424			Article - H. Brittain, "X-ray Diffraction I: On the Diffraction of X-rays by Crystalline Solids"	05/00/2000	Brittain9		I (402), H (802),U
DX425			Article - H. Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials"	00/00/2002	Brittain7		U
DX426			Article - Lien et al., "Molecular Structure, Properties, and States of Matter" (Exhibit 3 to AmijiRebuttal Expert Report)				U
DX427			Article - Mackensen et al., "Presence of IgE Antibodies to Bovine Serum Albumin in a Patient Developing Anaphylaxis After Vaccination with Human Peptide-Pulsed Dendritic Cells" (Exhibit 13 to AmijiRebuttal Expert Report)	00/00/2000			I (402), P (403), H (802),U
DX428			Article - Macy et al., "Anaphylaxis to Infusion of Autologus Bone Marrow: An Apparent Reaction to Self, Mediated by IgE Antibody to Bovine Serum Albumin (Exhibit 14 to AmijiRebuttal Expert Report)	05/00/1989			I (402), P (403), H (802),U
DX429			Article - Murray et al. "Synthesis and Characterization of Nearly Monodisperse CdE (E = S, Se, Te) Semiconductor Nanocrystallites"	03/22/1993			H (802), I (402),U
DX430			Article - Pyo et al., "Preparation and Dissolution Profiles of the Amorphous, Dihydrated Crystalline, and Anhydrous Crystalline Forms of Paclitaxel"		Brittain14		U

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Addtl Objs.	Plan Objs.
DX431			Article - Restani et al., "Characterization of Bovine Serum Albumin Epitopes and Their Role in Allergic Reactions" (Exhibit 15 to AmijiRebuttal Expert Report)	00/00/2004			I (402), P (403), H (802),U
DX432			Article - Shami et al., "Stabilization of Enzymes by Their Specific Antibodies" (Exhibit 9 to AmijiRebuttal Expert Report)				I (402), P (403), H (802),U
DX433			Article - Shen et al., "Investigation on Crosslinking Behaviors of NBR/PVC Filled with Anhydrous Copper Sulfate Particles by Dynamic Mechanical Analysis" (Exhibit 8 to AmijiRebuttal Expert Report)				I (402), P (403), H (802),U
DX434			Article - Stewart Harvey, "Antineoplastic and Immunoactive Drug" Article - Harvey et al. "Hormones", Remington's Pharmaceutical Sciences, Ch. 50 (Exhibit K to AmijiOpening Expert Report)	00/00/1990			R (multiple docs), H (802),U
DX435			Blowup Version of H.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism Pharmaceutical Technology, p. 51 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/1994			I (402), P (403), D, U
DX436			Blowup Version of '363 Patent: Claim 1				I (402), P (403), D, U
DX437			Blowup Version of Article - Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials", American Pharmaceutical Review, p. 78 [Brittain: Pure Amorphous and Crystalline References Are Best]	00/00/2002			I (402), P (403), D, U
DX438			Blowup Version of Article - Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials", American Pharmaceutical Review, p. 80 [Brittain: XRPD is Methodology of Choice]	00/00/2002	Brittain7C		I (402), P (403), D, U
DX439			Blowup Version of Article - H.G. Brittainet al. "Physical Characterization of Pharmaceutical Solids", Pharmaceutical Research, p. 966 [Brittain: Stability Depends on Crystallinity]	00/00/1991			I (402), P (403), D, U

Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrx Obj.	Elan Obj.
DX440			Blowup Version of Article - H.G. Brittainet al. "Physical Characterization of Pharmaceutical Solids", Pharmaceutical Research, p. 966 [Brittain: XRPD is Best]	00/00/1991	Brittain7E		I (402), P (403), D, U
DX441			Blowup Version of Article - H.G. Brittainet al. "Physical Characterization of Pharmaceutical Solids", Pharmaceutical Research, p. 966 [Brittain: XRPD is Great]	00/00/1991			I (402), P (403), D, U
DX442			Blowup Version of Article - H.G. Brittain, "American Pharmaceutical Review", p. 74 [Brittain: XRPD is Ideal]	00/00/2002	Brittain7A		I (402), P (403), D, U
DX443			Blowup Version of Article - H.G. Brittain, "American Pharmaceutical Review", p. 74 [Brittain: XRPD is Primary Method]	00/00/2002	Brittain7B		I (402), P (403), D, U
DX444			Blowup Version of Article - H.G. Brittain, "Drugs and Pharmaceutical Sciences", Vol. 70, p. 108 [Brittain: Dissolution Bioavailability and Stability Depend on Crystallinity]				I (402), P (403), D, U
DX445			Blowup Version of Article - H.G. Brittain, "Drugs and Pharmaceutical Sciences", Vol. 70, p. 113 [Brittain: NMR Works for Mixtures]				I (402), P (403), D, U
DX446			Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology, p. 50 [Brittain: Dissolution Rate and Stability Determined by Crystallinity]	00/00/1994			I (402), P (403), D, U
DX447			Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology, p. 50 [Brittain: Solubilities Different for Polymorphs]	00/00/1994			I (402), P (403), D, U
DX448			Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology, p. 51 [Brittain: XRPD Better Than NMR]	00/00/1994	Brittain8B		I (402), P (403), D, U
DX449			Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology,p. 51 [Brittain: XRPD is Most Important]	00/00/1994	Brittain8A		I (402), P (403), D, U

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DX No.	Beg. Bates No.	End Bates No	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
DX450			Blowup Version of Article - Pikal, "Detection of Crystallinity", Polymorphism in Pharmaceutical Solids, p. 398 [XRPD is "Gold Standard]		Brittain7D		I (402), P (403), D, U
DX451			Blowup Version of Article - Remington's "Effect of the Crystalline State of the Drug on Dissolution Rate"				I (402), P (403), D, U
DX452			Blowup Version of H.G. BrittainOpening Report, Paragraph 116 Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology, p. 50 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/1994			I (402), P (403), D, U
DX453			Blowup Version of H.G. BrittainOpening Report, Paragraph 116 Blowup Version of Article - H.G. Brittain, "Perspective on Polymorphism", Pharmaceutical Technology, p. 50 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/1994			I (402), P (403), D, U
DX454			Blowup Version of II.G. BrittainOpening Report, Paragraph 116 Blowup Version of BrittainBook, p. 108	09/28/2007 00/00/2007			I (402), P (403), D, U
DX455			Blowup Version of II.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "X-Ray Diffraction I: On the Diffraction of X-Rays by Crystalline Solids" Pharmaceutical Technology, p. 74 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/2000			I (402), P (403), D, U
DX456			Blowup Version of H.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "X-Ray Diffraction I: On the Diffraction of X-Rays by Crystalline Solids" Pharmaceutical Technology, p. 74 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/2000			I (402), P (403), D, U
DX457			Blowup Version of H.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials", American Pharmaceutical Review, p. 74	09/28/2007 00/00/2002			I (402), P (403), D, U

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			[BrittainReport Contradicts BrittainPublications]				
DX458			Blowup Version of H.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials", American Pharmaceutical Review, p. 74 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/2002			I (402), P (403), D, U
DX459			Blowup Version of H.G. BrittainOpening Report, Paragraph 49 Blowup Version of Article - H.G. Brittain, "X-Ray Powder Diffraction of Pharmaceutical Materials", American Pharmaceutical Review, p. 80 [BrittainReport Contradicts BrittainPublications]	09/28/2007 00/00/2002			I (402), P (403), D, U
DX460			Brief on Appeal for Application No. 10/701,064 (Bosch et al.)	10/02/2007			I (402), P (403), Opinion (702, 703), U
DX461			Chart - Elan Corporation, PLC 2000-2006 Profit and Loss Statement (Tab 5 to JaroszExpert Report) Chart - Abraxis BioScience, Inc. 2005-Q2 2007 Abraxane Profit and Loss Statement (Tab 20 to JaroszExpert Report) Chart - Elan Pharma International Limited 2002-2006 Profit and Loss Statement (Tab 31 to JaroszExpert Report)				U, P (403), H (802) , I (402) as to Elan Income Statements R (multiple documents)
DX462			Chart - Elan Pharma International, Ltd. Consolidated Income Statements 2002-2006 (Exhibit 5 to Musika Expert Report) Chart - Elan Corporation, PLC Consolidated Statement of Income for the Fiscal Year Ended 2002-2006 (Exhibit 6 to Musika Expert Report) Chart - The Elan Licenses that Mr. JaroszLabels "Most Relevant" Fail to Meet Mr. Jarosz's Relevant Criteria (Exhibit 16 to Musika Expert Report) Chart - Abraxis Revenue Recognition Schedule Related to the Co-Promotion Agreement with AstraZeneca 1/2/ (Exhibit 19 to Musika Expert Report) Chart - Abraxane Profitability 2006 (Exhibit 21 to Musika Expert Report)				U, P (403), H (802) , I (402) as to Elan Income Statements R (multiple documents)
DX463			Chart - Oncology-Hematology Assoc. - Care Plan Template Detail Met Breast - Abraxane 100 wkly (Exhibit B to Haidak				I (402), U

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Opening Expert Report)				
DX464			Chart - Oncology-Hematology Assoc. - Care Plan Template Detail Met Breast - Abraxane 260 q3wk (Exhibit C to Haidak Opening Expert Report)				I (402), U
DX465			Chart - Prior Art References for U.S. Patent No. 5,399,363 (Exhibit AA to AmijiOpening Expert Report)				H (802), Best Evidence Rule ("B") (1002), U
DX466			Chart - Prior Art References for U.S. Patent No. 5,399,363 (Exhibit AB to AmijiOpening Expert Report)				H (802), B (1002), U
DX467			Chart - Prior Art References for U.S. Patent No. 5,399,363 (Exhibit R to AmijiOpening Expert Report)				H (802), B (1002), U
DX468			Chart - Prior Art References for U.S. Patent No. 5,399,363 (Exhibit S to AmijiOpening Expert Report)				H (802), B (1002),U
DX469			Chart - Prior Art References for U.S. Patent No. 5,399,363 (Exhibit U to AmijiOpening Expert Report)				H (802), B (1002), U
DX470			- David J. Haidak, M.D., F.A.C.P. (Exhibit A to Haidak Opening Expert Report)				U
DX471			CV - Harry G. Brittain, PhD, FRSC (Exhibit A to BrittainOpening Expert Report)	05/00/2007			U
DX472			CV - Jerry L. Atwood, PhD (Exhibit A to AtwoodOpening Expert Report)				U
DX473			CV - Johnson Tai Wong, M.D. (Exhibit A to Wong Opening Expert Report)	08/28/2007			U
DX474			CV - Mansoor M. Amiji, RPh, PhD (Exhibit A to AmijiOpening Expert Report)				U
DX475			CV - Mark C. Manning		Manning 2		U
DX476			CV - Michael R. Hamrell (Exhibit 2 to Hamrell Expert Report)				U
DX477			CV - Michael Richard Hamrell (Exhibit 1 to Hamrell Expert Report)				U
DX478			CV - Samuel J. Danishefsky, Ph.D. (Exhibit A to				U

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Danishefsky Opening Expert Report)				
DX479			CV - Stephen R. Byrn(Exhibit 4 to ByrnRebuttal Expert Report)				U
DX480			CV - Terry L. Musika, CPA (Exhibit 1 to Musika Expert Report on Damages)				U
DX481			Data (Exhibit D to AtwoodOpening Expert Report)				U
DX482			Data Files from MUNSON0002203 (Exhibit E to AtwoodSupplemental Expert Report)				U
DX483			Declaration of Paul F. Fehlner in Support of Plaintiff's Opposition to Defendant's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11	04/02/2007			U I (402), P (403), C
DX484			Documents cited in Interrogatory No. 12 to Plaintiff Elan Pharma International Limited's First Amended Answers and Objections to Defendant Abraxis's Third Set of Interrogatories (Nos. 10-13)	10/29/2007			U
DX485			Elan Corporation, PLC - Form 20-F	12/31/2007			I (402), H (802), U
DX486			Elan's Summary Judgment Opening Letter	01/02/2008			I (402), U
DX487			E-mail chain from Michael Jacobs to Steven Balick re Stipulation to Judgmcnt on '025 Patent	01/01/2008			H (802), I (402) U
DX488			Email from Diana Kruze to Fred Barrera et al. re BrittainPrivilege Log	11/15/2007			H (802), U
DX489			Excerpts - Daniel Harris, "Quantitative Chemical Analysis" (Exhibit B to AtwoodSupplemental Expert Report)	00/00/1999			U
DX490			Excerpts - Remington's Pharmaceutical Sciences, Ch. 89 (Exhibit AE to AmijiOpening Expert Report)				U
DX491			Excerpts - Rowe et al., "Handbook of Pharmaceutical Excipients" (Exhibit 17 to AmijiRebuttal Expert Report)				U
DX492			Excerpts - Schoffstall et al., "Microscale and Miniscale Organic Chemistry Laboratory Experiments" (Exhibit D to AtwoodSupplemental Expert Report)	00/00/2000			I (402), P (403),U

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Ex. No.	Beg. Bates No.	End Bates No.	Description[1]	Date	Depo. Ex.	Abraxis Obj.	Elan Obj.
DX493			Excerpts - Shoemaker et al., "Experiments in Physical Chemistry" (Exhibit C to AtwoodSupplemental Expert Report)	00/00/1996			I (402), P (403), U
DX494			Excerpts - The Merck Index (Exhibit L to AmijiOpening Expert Report)	00/00/1989			U
DX495			Excerpts - The United States Pharmacopea - The National Formulary (Exhibit 16 to AmijiRebuttal Expert Report)	05/01/2007			U
DX496			Excerpts from Plaintiff's Objections and Responses to Abraxis's Second Set of Requests for Admission (Nos. 6-36)	08/06/2007			U
DX497			Excerpts from Plaintiff Elan Pharma International Limited's First Amended Objections and Answers to Defendant Abraxis's Third Set of Interrogatories (Nos. 10-13)	10/29/2007			U
DX498			Excerpts from Plaintiff Elan Pharma International Limited's Sixth Amended Answers and Objections to Defendant Abraxis's Second Set of Interrogatories (Nos. 2-9)	10/29/2007			U
DX499			Excerpts from Plaintiff's First Amended Objections and Answers to Abraxis's Fourth Set of Interrogatories (Nos. 14-42)	10/29/2007			U
DX500			Excerpts from Deposition Transcript of Michael Hawkins, p. 70-72, 126-128 (Exhibit 10 to AmijiRebuttal Expert Report)				X (403),U
DX501			Graphs - Chemagnetics (Exhibit F to AtwoodSupplemental Expert Report)				U
DX502			Graphs - Chemagnetics (Exhibit I to AtwoodSupplemental Expert Report)				U
DX503			Graphs - Chemagnetics (Exhibit J to AtwoodSupplemental Expert Report)				U
DX504			Graphs - Chemagnetics (Exhibit K to AtwoodSupplemental Expert Report)				U
DX505			Graphs - Chemagnetics (Exhibit L to AtwoodSupplemental Expert Report)				U
DX506			Graphs - Chemagnetics (Exhibit M to AtwoodSupplemental Expert Report)				U

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Ex. No.	Beg Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj	Elan Obj
DX507			Guidance for Industry - Estimating the Maximum Safe Starting Dose in Initial Clinical Trials for Therapeutics in Adult Healthy Volunteers	07/00/2005	Maniar3		U
DX508			Harry G. Brittain's Document Production Privilege Log	11/15/2007			I (402),U
DX509			Letter from Michael Jacobs to Stephen Scheve re Abraxis's Statement in the Joint Status Report	11/08/2006			H (802), Opinion 702,703, I (402), C, U
DX510			Letter from Michael Jacobs to Stephen Scheve re Supplemental Letter (with attachments)	12/01/2006			H (802), Opinion 702,703, I (402), C, U
DX511			Letter from Michael Jacobs to Stephen Scheve re Supplemental Letter (with attachments)	01/31/2007			H (802), Opinion 702,703, C, I (402), U
DX512			New Abraxis, Inc. - Company Information	11/07/2007			U
DX513			Phasing 1D Data (Exhibit H to AtwoodSupplemental Expert Report)				U
DX514			Photograph of VivoRx personnel	05/14/1993			I (402),U
DX515			Plaintiff Elan Pharma International Limited's Responses and Objections to Defendant Abraxis's First Set of Interrogatories (No. 1)	12/04/2006			U
DX516			Presentation - Abraxane and the Nanoparticle Albumin Bound (nabTM) Technology by Neil Desai	03/00/2008			Opinion (702, 702), I (402), P (403), H (802), U
DX517			Presentation - Abraxane for injectable Suspension				U
DX518			Presentation - Elan - NanoCrystal Technology				U
DX519			Press Release - Abraxis Receives Approval from EU Commission to Market Abraxane for Metastatic Breast Cancer in Europe	01/22/2008			U
DX520			Remington's: Amorphous More Soluble Than Crystalline		Brittain13A		P (403), H (802),U
DX521			Set of several different spectra that are associated with As		BARICH9		A (901), Opinion (702,703), I(402),

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DX No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrxs Obj.	Elan Obj.
			Received samples				P (403), U
DX522			Submission Under 37 C.F.R. § 1.111 and 1.114(c) for Application No. 10/429,245 (Cunningham et al.)	09/20/2007			I (402), P (403), Opinion 702, 703, U, M
DX523			Table 6-1 Processing Functions - Control Strip (Exhibit G to AtwoodSupplemental Expert Report)				U
DX524			Tables 1-3 (Pages 16-26 to Wong Rebuttal Expert Report)				P (403), H (802), X , R (foundation)
DX525			Transcript of Hearing before the Honorable Gregory M. Sleet	11/06/2006			I (402), U
DX526			Transcript of Hearing before the Honorable Gregory M. Sleet	02/16/2007			I (402), U
DX527			United States Patent Application Publication No. 2003/005/4042 A1 (Liversidge et al.)	03/20/2003			I (402), P (403), U, M
DX528			United States Patent Application Publication No. 2003/0185869 A1 (Wertz et al.)	10/02/2003			I (402), P (403), U, M
DX529			United States Patent Application Publication No. 2003/0232796 A1 (Cooper et al.)	12/18/2003			I (402), P (403), U, M
DX530			United States Patent Application Publication No. 2004/0018242 A1 (Cunningham et al.)	01/29/2004			I (402), P (403), U, M
DX531			United States Patent Application Publication No. 2004/0033202 A1 (Cooper et al.)	02/19/2004			I (402), P (403), U, M
DX532			United States Patent Application Publication No. 2004/0033267 A1 (Merisko-Liversidge et al.)	02/19/2004			I (402), P (403), U, M
DX533			United States Patent Application Publication No. 2004/0115134 A1 (Merisko-Liversidge)	06/17/2004			I (402), P (403), U, M

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Islan Obj.
DX534			United States Patent Application Publication No. 2004/0141925 A1 (Bosch et al.)	07/22/2004			I (402), P (403), M, U
DX535			United States Patent Application Publication No. 2004/0156872 A1 (Bosch et al.)	08/12/2004			I (402), P (403), U, M
DX536			United States Patent Application Publication No. 2004/0208833 A1 (Hovey et al.)	10/21/2004			I (402), P (403), U, M
DX537			United States Patent Application Publication No. 2004/0229038 A1 (Cooper et al.)	11/18/2004			I (402), P (403), U, M
DX538			United States Patent Application Publication No. 2004/0258758 A1 (Gustow et al.)	12/23/2004			I (402), P (403), U, M
DX539			United States Patent Application Publication No. 2005/0004049 A1 (Liversidge)	01/06/2005			I (402), P (403), U, M
DX540			United States Patent Application Publication No. 2005/0019412 A1 (Bosch et al.)	01/27/2005			I (402), P (403), U, M
DX541			United States Patent Application Publication No. 2005/0042177 A1 (Ryde et al.)	02/24/2005			I (402), P (403), U, M
DX542			United States Patent Application Publication No. 2005/0063913 A1 (Pruitt et al.)	03/24/2005			I (402), P (403), U, M
DX543			United States Patent Application Publication No. 2005/0147664 A1 (Liversidge et al.)	07/07/2005			I (402), P (403), U, M
DX544			United States Patent Application Publication No. 2005/0238725 A1 (Cunningham et al.)	10/27/2005			I (402), P (403), U, M

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX545			United States Patent Application Publication No. 2006/0154918 A1 (Liversidge et al.)	07/13/2006			I (402), P (403), U, M
DX546			United States Patent Application Publication No. 2006/0165806 A1 (Liversidge et al.)	07/27/2006			I (402), P (403), U, M
DX547			United States Patent Application Publication No. 2006/0188566 A1 (Liversidge et al.)	08/24/2006			I (402), P (403), U, M
DX548			United States Patent No. 4,107,288 - Oppenheim et al.	08/15/1978			U
DX549			United States Patent No. 4,540,602 - Motoyama et al.	09/10/1985			U
DX550			United States Patent No. 5,049,322 - Devissaguet el al.	09/17/1991			U
DX551			United States Patent No. 5,175,287 - Lee et al. (Exhibit M to AmijiOpening Expert Report)	12/29/1992			U
DX552			United States Patent No. 5,439,686 - Desai et al.	08/08/1995			I (402), P (403), U, M
DX553			United States Patent No. 5,518,187 - Bruno et al.	05/21/1996			I (402), P (403), U, M
DX554			United States Patent No. 5,560,932 - Bagchi et al.	10/01/1996			I (402), P (403), U, M
DX555			United States Patent No. 5,981,474 - Manning et al.	11/09/1999	Manning 12		I (402), P (403), U
DX556			United States Patent No. 6,045,829 - Liversidge et al.	04/04/2000	G. Liversidge 25		I (402), P (403), U, M
DX557			United States Patent No. 6,153,225 - Lee et al.	11/28/2000			I (402), P (403), U, M
DX558			United States Patent No. 6,613,358 - Randolph et al.	09/02/2003	Manning 17		I (402), P (403), U, M
DX559			United States Patent No. 6,656,504 - Bosch et al.	12/02/2003			I (402), P (403), U, M
DX560			United States Patent No. 7,101,576 B2 - Hovey et al.	09/05/2006			I (402), P (403), U,

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abrx Obj.	Elan Obj.
							M
DX561			United States Patent No. 7,276,249 B2 - Ryde et al.	10/02/2007			I (402), P (403), U, M
DX562			Elan's Amended Third Non-Party Confidentiality Log	06/29/2007			I (402); P (403), R (superseded version)
DX563	ABRX0537417	ABRX0537522	[redacted]	02/28/2007			H (802), Unreliable (702, 703), I (402), L (602), U
DX564			ISI's 10858 Most Cited Chemists, 1981-June 1997, Ranked by Total Citations				H (802), I (402), P (403), L (602), U, 611a
DX565			Article – "How Do We Identify Highly Cited Researchers?"	06/00/2007			H (802); I (402), P (403) L (602), U, 611a
DX566			Article – Saindon et al., "Solid-State Nuclear Magnetic Resonance (NMR) Spectra of Pharmaceutical Dosage Forms"	00/00/1993			H (802); I (402), P (403) L (602), U, 611a
DX567			Article – Lubach et al., "Solid-State NMR Studies of Pharmaceutical Solids in Polymer Matrices"	00/00/2004			H (802); I (402), P (403) L (602), U, 611a
DX568			Article – Offerdahl and Munson., "Solid-State NMR Spectroscopy of Pharmaceutical Materials"	01/00/2004			H (802); I (402), P (403) L (602), U, 611a
DX569			Article – Atwood, et al., "Solvent-Free, Direct Synthesis of Supramolecular Nano-Capsules"	00/00/2005			H (802); I (402), P (403) L (602), U, 611a
DX570			Article – Atwoodet al., "Engineering Void Space in Organic Van Der Waals Crystals: Calixarenes Lead the Way"	00/00/2007			H (802); I (402), P (403) L (602), U, 611a
DX571			Article – Atwoodet al., "Frustrated Organic Solids Display Unexpected Gas Sorption"	00/00/2006			H (802); I (402), P (403) L (602), U, 611a

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Ex. No.	Beg. Bates No.	End Bates No.	Description	Date	Depo Ex.	Abex Obj.	Plan Obj.
DX572			Article – Atwoodet al., "Comparison of Porous and Nonporous Materials for Methane Storage"	00/00/2007			H (802); I (402), P (403) L (602), U, 611a
DX573			Excerpts from Book – Atwoodand Steed, "Organic Nanostructures"	12/00/2007			H (802); I (402), P, X (403) L (602), U, 611a,
DX574			Excerpts from Book – Atwoodet al., "Inclusion Compounds – Volume 5 – Inorganic and Physical Aspects of Inclusion"	00/00/1991			H (802); I (402), P, X (403) L (602), U, 611a,
DX575			Excerpts from Book – Atwood, "Inclusion Phenomena and Molecular Recognition"	00/00/1990			H (802); I (402), P, X (403) L (602), U, 611a,
DX576			Excerpts from Book – Atwoodand Steed, "Encyclopedia of Supramolecular Chemistry"	00/00/2004			H (802); I (402), P, X (403) L (602), U, 611a,
DX577			Excerpts from Book – Atwoodet al., "Comprehensive Supramolecular Chemistry"	00/00/1996			H (802); I (402), P, X (403) L (602), U, 611a,

EXHIBIT 5

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.	§	

EXHIBIT 5: PLAINTIFF ELAN'S WITNESS LIST, DEFENDANT ABRAXIS'S RESPONSE AND PLAINTIFF ELAN'S REPLY

Plaintiff Elan identifies the following witnesses that will be called to testify at trial. The order of the presentation of evidence of witnesses is not indicative of the order in which the witnesses will be called at trial.

Abraxis Response: Abraxis objects to Elan calling more than one expert witness on each subject.

Elan's reply: Elan will not call more than one expert witness on each subject to testify absent cause. Elan reserves the right to select the witness to testify on each separate subject.

As to all Elan experts, Abraxis objects to any testimony beyond that contained in the experts' reports, or as to subjects on which the expert is not qualified to opine.

Elan's reply: Elan reserves the right to offer expert testimony in rebuttal on any issue raised by Abraxis.

Other Abraxis objections are noted with respect to individual witnesses below.

1. **Gary G. Liversidge**
Elan Drug Delivery, Inc.
3500 Horizon Drive
King of Prussia, PA 19406
(live)

2. **John C. Jarosz**
Analysis Group
1899 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006
(live)

Mr. Jarosz will testify about the methodology to determine damages for patent infringement. Mr. Jarosz will testify as to reasonable royalty damages arising from Abraxis's past infringement of the '363 Patent and the appropriate reasonable royalty to license the '363 Patent to Abraxis. Mr. Jarosz will testify as to the methods, assumptions, and conclusions of Mr. Musika.

Mr. Jarosz will testify as to the topics addressed in his report.

Mr. Jarosz may rebut related testimony by Abraxis's witnesses.

3. **Eric J. Munson Ph.D.**
1324 Lawrence Ave.
Lawrence, KS 66049
(live)

Dr. Munson will testify about analytical testing of pharmaceutical formulations using Solid-State Nuclear Magnetic Resonance Spectroscopy (SSNMR). He will also testify about how SSNMR compares with other analytical testing of pharmaceutical formulations. Dr. Munson will testify that particles of crystalline paclitaxel exist in Abraxane® and reconstituted Abraxane®. Dr. Munson will testify as to the particles within Abraxane® and reconstituted

Abraxane® meeting the crystalline medicament useful for treating cancer limitation of the asserted claims.

Dr. Munson will testify as to the topics addressed in his report.

Dr. Munson may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Munson for the reasons explained in Abraxis's motions in limine. Abraxis objects to Dr. Munson testifying about "how SSNMR compares with other analytical testing of pharmaceutical formulations" because it was not addressed in Dr. Munson's expert report. Abraxis objects to Dr. Munson testifying that "particles of crystalline paclitaxel exist in Abraxane® and reconstituted Abraxane®," because that opinion was not expressed in Dr. Munson's expert report. Abraxis objects to Dr. Munson testifying about "the particles within Abraxane® and reconstituted Abraxane® meeting the crystalline medicament useful for treating cancer limitation of the asserted claims" because Dr. Munson does not opine on the claims of the '363 patent in his expert report.

Elan's reply: Elan opposes Abraxis's motion in limine seeking to exclude Dr. Munson's testimony. Elan objects to any effort to arbitrarily limit Dr. Munson's testimony about issues raised in his report, such as but not limited to his tutorial testimony no SSNMR, including comparing SSNMR with other analytical testing of pharmaceutical formulations, and statements concerning crystalline paclitaxel in reconstituted Abraxane® and Abraxane® powder. Elan reserves the right to call Dr. Munson in rebuttal on any issue raised by Abraxis about which he is qualified to testify.

Plaintiff Elan identifies the following witnesses that may be called to testify at trial. The order of the presentation of evidence of witnesses is not indicative of the order in which the witnesses may be called at trial.

Abraxis objects to Elan calling the following witnesses by deposition because they are within Elan's control and/or within the subpoena power of the Court: Elaine Liversidge, Nancy Peltier, David Czekai, Lawrence de Garavilla, Lianjun Shi, Dewey Barich, Jeffrey Winkler, Mark Manning, Harry Brittain, Samuel Danishefsky, Cory Berkland, Manoj Maniar, Robert Taft, David Haidak, and Stephen Byrn. . Abraxis also objects to Elan calling any witness by deposition for whom Elan failed to provide designations by the March 7, 2008 deadline.

Elan's reply: Elan reserves the right to call any witness by deposition under appropriate circumstances, such as (1) that the witness is not reasonably available; (2) the testimony is of such a nature that the imposition on the witness to appear at trial would be unduly burdensome; or (3) for other good cause.

1. **All witnesses listed by defendant Abraxis (Ex 12) (live and/or by deposition).**

2. **Elaine Liversidge**
Elan Drug Delivery, Inc.
3500 Horizon Drive
King of Prussia, PA 19406
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's presentation of Elaine Liversidge by deposition.

Elan's reply: Elan reserves the right to call Elaine Liversidge by deposition for the reasons set forth above.

3. **Nancy Peltier**
Elan Drug Delivery, Inc.
3500 Horizon Drive
King of Prussia, PA 19406
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's presentation of Nancy Peltier by deposition.

Elan's reply: Elan reserves the right to call Nancy Peltier by deposition for the reasons set forth above.

4. **David Czekai**
NanoSystems Div., Elan Pharmaceuticals
3500 Horizon Drive
King of Prussia, PA 19406
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's presentation of David Czekai by deposition.

Elan's reply: Elan reserves the right to call David Czekai by deposition for the reasons set forth above.

5. **Pramod P. Sarpotdar**
3981 Gaffney Court
San Diego, California 92130
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's presentation of Pramod Sarpotdar by deposition.

Elan's reply: Elan reserves the right to call Pramod Sarpotdar by deposition for the reasons set forth above.

6. **Lawrence de Garavilla**
909 Noble Drive
Downingtown, PA 19335
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's presentation of Lawrence de Garavilla by deposition.

Elan's reply: Elan and reserves the right to call Lawrence de Garavilla by deposition for the reasons set forth above.

7. **Lianjun Shi, Ph.D.**
150318 Doolittle Drive
Bridgewater, NJ
(live and/or by deposition)

Abraxis's response: Abraxis objects to testimony by Lianjun Shi for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of Lianjun Shi by deposition.

Elan's reply: Elan objects to Abraxis's objection because Abraxis has included Lianjun Shi on its witness list. Elan opposes Abraxis's motion in limine seeking to exclude the testimony of Lianjun Shi. Elan reserves the right to call Lianjun Shi by deposition for the reasons set forth above.

8. **Dewey Barich, Ph.D.**
University of Kansas
Lawrence, KS 66045
(live and/or by deposition)

Abraxis's response: Abraxis objects to testimony by Dewey Barich for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of

Dewey Barich by deposition.

Elan's reply: Elan objects to Abraxis's objection because Abraxis has included Dewey Barich on its witness list. Elan opposes Abraxis's motion in limine seeking to exclude testimony of Dewey Barich. Elan reserves the right to call Dewey Barich by deposition for the reasons set forth above.

9. **Jeffrey D. Winkler, Ph.D.**
University of Pennsylvania
Philadelphia, PA 19104
(live and/or by deposition)

Abraxis's response: Abraxis objects to testimony by Jeffrey Winkler for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of Jeffrey Winkler by deposition.

Elan's reply: Elan objects to Abraxis's objection because Abraxis has included Jeffrey Winkler on its witness list. Elan opposes Abraxis's motion in limine seeking to exclude testimony of Dr. Winkler. Elan reserves the right to call Dr. Winkler by deposition for the reasons set forth above.

10. **Mark C. Manning, Ph.D.**
1826 Monarch Circle
Loveland, CO 80538
(live and/or by deposition)

Dr. Manning will testify about human albumin in pharmaceutical formulations and about crosslinking. Dr. Manning will testify that human albumin on the particles within Abraxane® and reconstituted Abraxane® is essentially free of intermolecular crosslinkages. He will further testify that the particles within Abraxane® and reconstituted Abraxane® meet the non-

crosslinked limitation in the asserted claims. Dr. Manning will testify as to the deficiencies of Abraxis's analytical testing.

Dr. Manning will testify as to the validity and enforceability of the '363 Patent. Dr. Manning will testify as to the understanding of the '363 Patent by one of ordinary skill in the art, including that the specification enables one of ordinary skill in the art to practice the invention of the asserted claims without undue experimentation; that the specification adequately describes the limitations of the asserted claims; and that one of ordinary skill in the art would understand the scope of the asserted claims when read in light of the specification. Dr. Manning will testify that no material information was withheld from the Patent Office during examination of the patent application that issued as the '363 Patent.

Dr. Manning will testify as to the topics addressed in his expert reports.

Dr. Manning may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to Elan's presentation of Dr. Manning by deposition. Abraxis objects to Dr. Manning testifying about the following topics because they are not discussed in either of his expert reports:

- "human albumin in pharmaceutical formulations"
- "human albumin on the particles within … reconstituted Abraxane® is essentially free of intermolecular crosslinkages"
- "that the particles … reconstituted Abraxane® meet the non-crosslinked limitation in the asserted claims"

- "deficiencies of Abraxis's analytical testing" other than XRPD and DSC
- "validity and enforceability of the '363 Patent" other than as to enablement, written description, definiteness, and materiality of information discussed in Dr. Manning's rebuttal report
- "the understanding of the '363 Patent by one of ordinary skill in the art" as it relates to enablement, written description, definiteness, and materiality of information other than that discussed in Dr. Manning's rebuttal report.

Elan's reply: Elan objects to any effort to arbitrarily limit Dr. Manning's testimony about his expertise in human albumin in pharmaceutical formulations as established in his expert report, publications, and deposition; the factual contention that human albumin in Abraxane® is non-crosslinked;, the claims of the '363 and '025 patents as construed by the Court;, the issue of whether human albumin in Abraxane meets the "non-crosslinked surface modifier" claim limitation of the '363 patent; and any other issue raised in his expert report. Elan reserves the right to call Dr. Manning by deposition for the reasons set forth above. Elan reserves the right to call Dr. Manning in rebuttal on any issue raised by Abraxis about which he is competent to testify..

11. **Harry G. Brittain, Ph.D.**
10 Charles Street
Milford, NJ 08848
(live and/or by deposition)

Dr. Brittain will testify about limitations of using X-Ray Powder

Diffraction (XRPD) to characterize Abraxane®. Dr. Brittain will testify as to the deficiencies in the XRPD testing commissioned by Abraxis. Dr. Brittain will testify that particles within Abraxane® and reconstituted Abraxane® meet the non-crosslinked surface modifier limitation of the asserted claims. Dr. Brittain will testify that Abraxane® and reconstituted Abraxane® infringe the asserted claims under the doctrine of equivalents.

Dr. Brittain will testify as to the methods, assumptions, and conclusions of Dr. Atwood.

Dr. Brittain will testify as to the topics addressed in his reports.

Dr. Brittain may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Brittain relating to alleged crystallinity in Abraxane for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of Dr. Brittain by deposition. Abraxis objects to testimony by Dr. Brittain about alleged infringement by "reconstituted Abraxane®" because that topic is not discussed in his expert reports.

Elan's reply: Elan opposes Abraxis's motion in limine seeking to exclude testimony of Dr. Brittain. Elan objects to any effort to arbitrarily limit Dr. Brittain's testimony about reconstituted Abraxane® or any other issue raised in his expert reports. Elan reserves the right to call Dr. Brittain by deposition for the reasons set forth above. Elan reserves the right to call Dr. Brittain in rebuttal on any issue raised by Abraxis on which he is competent to testify.

12. **Samuel J. Danishefsky, Ph.D.**
Memorial Sloan-Kettering Cancer Institute
1275 York Avenue
New York, NY 10065
(live and/or by deposition)

Dr. Danishevsky will testify about the nature of paclitaxel, the synthesis of paclitaxel, and the role of formulation in effective delivery of paclitaxel. Dr. Danishevsky will testify as to the inventive achievements described in the '363 Patent. Dr. Danishevsky will testify as to the chemical nature of paclitaxel in particles within Abraxane® and reconstituted Abraxane® with respect to literal infringement and infringement under the doctrine of equivalents.

Dr. Danishevsky will testify as to the non-obviousness of the '363 Patent in view of the Haynes Patent.

Dr. Danishevsky will testify as to the topics addressed in his reports.

Dr. Danishevsky may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Danishefsky relating to alleged crystallinity in Abraxane® for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of Dr. Danishefsky by deposition. Abraxis objects to testimony by Dr. Danishefsky about alleged infringement by "reconstituted Abraxane®" because that topic is not discussed in his expert reports. Abraxis objects to testimony by Dr. Danishefsky about "the role of formulation in effective delivery of paclitaxel" because that topic is not discussed in his expert reports, and he is not qualified to testify on that subject. Abraxis objects to testimony by Dr. Danishefsky about alleged "inventive achievements described in

the '363 Patent" and "non-obviousness of the '363 Patent in view of the Haynes Patent" except as discussed in Dr. Danishefsky's rebuttal report with respect to the Haynes patent. Dr. Danishefsky was not prepared at his deposition to discuss prior art other than the Haynes patent. ("I would have to go back and actually retrieve all of the matters if it came to testimony about that at the trial or so forth, or here." Danishefsky dep., 215:5-8)

Elan's reply: Elan opposes any motions in limine to exclude testimony of Dr. Danishefsky. Elan objects to any effort to arbitrarily limit Dr. Danishefsky's testimony about reconstituted Abraxane®; inventiveness and non-obviousness of the '363 Patent; references that Abraxis did not allow Dr. Danishefsky to review during his deposition to refresh his recollection; and any other issues raised in his reports or at his deposition about which he is competent to testify. Elan reserves the right to call Dr. Danishefsky by deposition for the reasons set forth above. Elan reserves the right to call Dr. Danishefsky in rebuttal on any issue raised by Abraxis about which he is competent to testify.

13. **Cory Berkland, Ph.D.**
18329 Northwind Drive
Lawrence, KS 66044
(live and/or by deposition)

Dr. Berkland will testify as to the isolation of particles within reconstituted Abraxane®. Dr. Berkland will testify that particles within Abraxane® and reconstituted Abraxane® meet the non-crosslinked surface modifier limitation of the asserted claims. Dr. Berkland will testify as to deficiencies of Abraxis's analytical testing. Dr. Berkland will testify about

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TEM and cryo-TEM testing to determine crystallinity. [redacted]

Dr. Berkland intends to testify as to the topics addressed in his report.

Dr. Berkland may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Berkland relating to "isolation of particles within reconstituted Abraxane®," (*i.e.* Section C of Dr. Berkland's report) for the reasons explained in Abraxis's motions in limine. Abraxis objects to Elan's presentation of Dr. Berkland by deposition. Abraxis objects to testimony by Dr. Berkland about "deficiencies of Abraxis's analytical testing" other than electron microscopy and XRPD. Abraxis objects to testimony by Dr. Berkland about alleged infringement by "reconstituted Abraxane®" because that topic is not discussed in his expert report.

Elan's reply: Elan objects to Abraxis's motion in limine seeking to exclude testimony of Dr. Berkland. Elan objects to any effort to arbitrarily limit Dr. Berkland's testimony about subjects raised in his expert report. Elan reserves the right to call Dr. Berkland by deposition for the reasons set forth above. Elan reserves the right to call Dr. Berkland in rebuttal on any issue raised by Abraxis about which he is competent to testify.

14. **Manoj Maniar, Ph.D.**
375 Pheasant Run
Newtown, PA 18940
(live and/or by deposition)

Dr. Maniar will testify about drug development, including compliance with guidelines promulgated by the United States Food and Drug

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Administration. Dr. Maniar will testify as to the validity and enforceability of the '025 Patent, if necessary. Dr. Maniar will testify that no material information was withheld from the Patent Office during examination of the patent application that issued as the '025 Patent, if necessary.

Dr. Maniar will testify as to the topics addressed in his expert report.

Dr. Manning may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to Dr. Maning testifying that no material information was withheld from the Patent Office that exceeds the scope of his expert report. Abraxis objects to Elan's presentation of Dr. Maniar by deposition.

Elan's reply: Elan objects to any effort to arbitrarily limit Dr. Maniar's testimony that no material information was withheld and any other subject raised in his expert report. Elan reserves the right to call Dr. Maniar by deposition for the reasons set forth above. Elan reserves the right to call Dr. Manning in rebuttal on any issue raised by Abraxis about which he is competent to testify.

15. **David Robert Taft, Ph.D.**
Division of Pharmaceutical Sciences
Long Island University
Brooklyn, NY 11201
(live)

Dr. Taft will testify as to preclinical studies of Elan's nanoparticulate paclitaxel formulations [redacted] **Dr. Taft will testify that the preclinical studies demonstrate that the efficacy of paclitaxel is increased by administering it as surface modified nanoparticles. Dr. Taft will testify that**

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the reduction of particle size and use of a surface modifier increased efficacy and reduced toxicity in [redacted] Elan's formulations [redacted] Dr. Taft will testify that [redacted] particles within reconstituted Abraxane® perform substantially the same function in substantially the same way with substantially the same result as the particles of the asserted claims.

Dr. Taft will testify as to the topics addressed in his report.

Dr. Taft may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Taft that [redacted] (See Hamrell dep., 294:20-300:10.) Abraxis objects to testimony by Dr. Taft that "the reduction of particle size and use of a surface modifier increased efficacy and reduced toxicity in [redacted] Elan's formulations [redacted]" because Dr. Taft does not express an opinion on that subject matter in his report.

Elan's reply: Elan objects to Abraxis's characterizing Elan's positions through deposition testimony of Abraxis's witness, Dr. Hamrell, and mischaracterizing the subject matter cited from Dr. Hamrell's deposition. Elan objects to any effort to arbitrarily limit Dr. Taft's testimony that reduced particle size and use of a surface modifier increased efficacy and reduced toxicity in Elan's formulations [redacted], and any other subject raised in his expert

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report. Elan reserves the right to call Dr. Taft by deposition for the reasons set forth above. Elan reserves the right to call Dr. Taft in rebuttal on any issue raised by Abraxis about which he is competent to testify.

16. **David J. Haidak, M.D.**
Oncology-Hematology Associates, P.A.
8926 Woodyard Road, Suite 201
Clinton, MD 20735
(live)

Dr. Haidak will testify about use of Abraxane® in treating cancer patients. He will testify as to the use and administration of Abraxane® to treat cancer patients.

Dr. Haidak will testify as to the topics addressed in his report.

Dr. Haidak may rebut related testimony by Abraxis's witnesses.

17. **Stephen R. Byrn, Ph.D.**
Purdue University
West Lafayette, IN 47906
(live)

Dr. Byrn will testify about formulation of pharmaceutical solids. Dr. Byrn will testify about nanoparticles, crystallinity, amorphousness, and analytical techniques for characterizing pharmaceutical solids. Dr. Byrn will testify about XRPD. [redacted] **Dr. Byrn will testify that Abraxane® and reconstituted Abraxane® literally infringe the asserted claims.**

Dr. Byrn will testify about the state of the prior art with respect to the '363 Patent and, if necessary, the '025 Patent. Dr. Byrn will testify as to what a

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person of skill in the art would understand from the prior art. Dr. Byrn will testify that the '363 Patent claims are non-obviousness. Dr. Byrn will testify that the Domb Patent is immaterial to the '363 Patent claims.

Dr. Byrn will testify as to the topics addressed in his reports.

Dr. Byrn may rebut related testimony by Abraxis's witnesses.

Abraxis's response: Abraxis objects to testimony by Dr. Byrn relating to the subjects in his untimely Supplemental Report for the reasons explained in Abraxis's motions in limine. Abraxis objects to Dr. Byrn testifying about the following topics because they are not discussed in his rebuttal report, including:

- "formulation of pharmaceutical solids"
- "nanoparticles, crystallinity, amorphousness, and analytical techniques for characterizing pharmaceutical solids"
- "XRPD"
- [redacted]
- "that Abraxane® and reconstituted Abraxane® literally infringe the asserted claims."

Abraxis objects to testimony by Dr. Byrn relating to alleged crystallinity in Abraxane for the reasons explained in Abraxis's motions in limine.

Dr. Byrn stated in his rebuttal report "[redacted]

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Elan's reply: Elan objects to Abraxis's motion in limine seeking to exclude testimony of Dr. Byrn. Elan objects to any effort to arbitrarily limit Dr. Byrn's tutorial or testimony on subjects [redacted], as well as any other subject raised in his expert reports. Elan notes that the limitation on Dr. Byrn's testimon asserted above is to the extent that it relates solely to the '025 patent. Elan reserves the right to call Dr. Byrn by deposition for the reasons set forth above. Elan reserves the right to call Dr. Byrn in rebuttal on any issue raised by Abraxis about which he is qualified to testify.

18. **Patrick Soon-Shiong**
c/o counsel for Abraxis
(live and/or by deposition)

19. **Neil Desai**
c/o counsel for Abraxis
(live and/or by deposition)

20. **Michael Hawkins**
c/o counsel for Abraxis
(live and/or by deposition)

21. **Leslie Louie**
c/o counsel for Abraxis
(live and/or by deposition)

22. **Ulagaraj Selvaraj**
c/o counsel for Abraxis
(live and/or by deposition)

23. **Henry Lee**
MedComm Solutions
1900 Powell Street, Suite 880
Emeryville, CA 94608
(live and/or by deposition)

Abraxis's response: Abraxis objects to Elan's inclusion of Herbert Lee based on F.R.E. 401, 402, and 403.

Elan's reply: Henry Lee's testimony, if offered at trial in person or by deposition, will be relevant and its relevance will outweigh any prejudicial effect to Abraxis.

EXHIBIT 6

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.	§	

EXHIBIT 6: DEFENDANT ABRAXIS'S WITNESS LIST, PLAINTIFF ELAN'S RESPONSE, AND DEFENDANT ABRAXIS'S REPLY

Abraxis identifies below the witnesses whom it will call and may call as trial witnesses, by deposition or in person.

Plaintiff Elan Pharma International Limited ("Elan") hereby objects to the calling of, or to the qualifications of, the following individuals identified in Defendant Abraxis BioScience, Inc.'s ("Abraxis") Witness List. Elan also objects to Abraxis calling any witness to testify that it obtained an opinion of counsel as to the '363 Patent prior to the filing of this lawsuit.[1]

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[1] Elan served the following Interrogatory No. 10 on Abraxis:

> Identify: any individual[s] and/or firm[s] who provided Abraxis with a written opinion regarding infringement by Abraxane® and/or the validity of U.S. Patent No. 5,399,363.

Abraxis responded as follows:

> Abraxis objects to this Interrogatory because it seeks information protected from disclosure under the attorney-client privilege and/or the work-product doctrine. Abraxis further objects to this interrogatory because the term "written opinion" is vague and indefinite. Subject to the foregoing objections, Drs. Mansoor M. Amiji and Jerry L. Atwood provided written opinions to counsel for Abraxis regarding the validity of U.S. Patent No. 5,399,363 and/or facts underlying one or more of Abraxis's invalidity

(footnote continued on next page)

Abraxis has identified the following witnesses who will be called to testify at trial.

1.	**Mansoor M. Amiji, Ph.D.** **Northeastern University** **Room 110 Mugar Life Sciences Building** **360 Huntington Avenue** **Boston, Massachusetts 02115** **(live)** **Dr. Amiji will testify regarding the subject matter discussed in his expert reports, including the general background and development of the technology in suit, discussion of the claimed technology during prosecution of the '363 and '025 patents, invalidity of the '363 and '025 patents based on nonenablement, lack of written description, and indefiniteness, invalidity of the '363 patent based on obviousness and obviousness-type double patenting, and the materiality of prior art and information withheld from the United States Patent and Trademark Office during prosecution of the '363 and '025 patents (inequitable conduct). Dr. Amiji will offer rebuttal testimony on the subject of noninfringement, particularly with**

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contentions in this case. These written opinions were served on counsel for Elan on September 28, 2007.

Abraxis has not supplemented it response to this interrogatory, nor has Abraxis logged any such opinion(s) of counsel on its Privilege Log. Abraxis now contests the following statement of fact: "Abraxis did not obtain a legal opinion of infringement or validity of the '363 Patent prior to the date this lawsuit was filed on July 19, 2006," and comparable statements with respect to its predecessor companies American Biosciences, Inc. and VivoRx. Elan has provided Abraxis with citation to controlling authority that the existence of an opinion and identification of counsel who provided an opinion, without more, is not privileged. Abraxis, however, remains steadfast in its refusal to respond fully to this interrogatory, supplement its Privilege Log, identify any such opinion(s) in the Privilege Log, or concede that no such opinion(s) exist. Accordingly, in addition to other remedies, Elan objects to any evidence or testimony by Abraxis at trial relating to the existence of any such opinion(s).

respect to the "non-crosslinked surface modifier" and "crystalline" claim limitations. Dr. Amiji may rebut related testimony by Elan witnesses.

Elan's response: Elan objects to Dr. Amiji as unqualified to testify or opine about (1) the general technology of the patents-in-suit; (2) prior art to the '363 Patent, (3) invalidity of the '363 Patent based on alleged obviousness; and (4) X-Ray Powder Diffraction as more fully discussed in Elan's motion in limine no. 3 and the reply thereto. Elan also objects to Abraxis calling Dr. Amiji to testify or opine that the HSA in Abraxane is cross-linked for reasons more fully discussed in Elan's motion in limine no. 4 and the reply thereto. Elan further objects to Abraxis calling Dr. Amiji to testify or opine about obviousness-type double patenting, which is a question of law. *See Texas Instruments, Inc. v. Int'l Trade Comm'n*, 988 F.2d 1165, 1179 (Fed. Cir. 1993). Elan further objects to Abraxis calling Dr. Amiji to testify regarding any subject matter or opinions not expressly disclosed in his expert report. Furthermore, Elan objects to Abraxis calling Dr. Amiji to testify regarding the alleged invalidity or unenforceability of the '025 Patent. Such testimony is irrelevant and wasteful as the '025 Patent is currently pending before the U.S. Patent & Trademark Office in reissue proceedings. *See* Fed. R. Evid. 402, 403.

Abraxis's reply*: *Taking Elan's objections sentence by sentence in turn,

(1) Elan never filed a motion in limine to exclude testimony by Dr. Amiji regarding the general technology of the patents-in-suit. It is absurd to argue that Dr. Amiji is not qualified to give such an opinion in view of his qualifications. See Dr. Amiji's qualifications set forth in Exhibit 7 to this

	pretrial order. ***(2) Elan's motion in limine No. 3 was limited to excluding testimony by Dr. Amiji regarding the prior art Domb patent. Elan's request here should be rejected for the reasons discussed in Abraxis's response to that motion. Elan's untimely request as to other prior art is without merit for the same reasons.*** ***(3) Elan's motion in limine No. 3 was limited to excluding testimony by Dr. Amiji regarding the prior art Domb patent. Elan's untimely request here to exclude any obviousness opinions by Dr. Amiji is without merit for the same reasons discussed in Abraxis's response to Elan motion in limine No. 3—Dr. Amiji is without question an expert qualified to give these opinions.*** ***(4) Dr. Amiji is qualified to give the XRPD opinions expressed in his rebuttal expert report for the reasons discussed in Abraxis's response to Elan motion in limine Nos. 3.*** ***(5) Elan's objections in Elan motion in limine No. 4 to testimony by Dr. Amiji regarding the crosslinking of albumin in Abraxane is without merit for the reasons Abraxis discussed in its response to Elan motion in limine No. 4.*** ***(6) Testimony by Dr. Amiji on obviousness-type double patenting is appropriate. Although the ultimate issue of obviousness-type double patenting is an issue of law (as is obviousness over prior art), there are underlying factual determinations as to which Dr. Amiji's expert testimony would be helpful.*** ***(7) Dr. Amiji will testify as to the opinions expressed in his opening and rebuttal reports, and in reply to the opinions expressed by Elan's experts in rebuttal to Dr. Amiji's opening report, as to which Elan had the opportunity to examine***

	Dr. Amiji at his deposition. In addition, if Elan's experts are permitted to testify at trial beyond the scope of their expert reports (on topics addressed in Dr. Amiji's reports), then Dr. Amiji may respond to that testimony. ***(8) Testimony by Dr. Amiji about the invalidity and unenforceability of the '025 patent is appropriate because Abraxis has pending counterclaims seeking a declaration of invalidity and unenforceablity with respect to that patent.***
2.	**Jerry L. Atwood, Ph.D.** **University of Missouri** **601 South College Avenue** **Room 125** **Columbia, MO 65211** **(live)** **Dr. Atwood will testify regarding the subject matter discussed in his expert reports, including the percent by weight of surface modifier that can be adsorbed on the surface of a crystalline medicament or drug substance as described and claimed in the '363 and '025 patents, as well as the background technology and terminology necessary to understand this subject. Dr. Atwood will offer rebuttal testimony on the subject of noninfringement, particularly with respect to the "crystalline" claim limitation. Dr. Atwood's testimony will include discussion of Abraxis's XRPD testing and electron microscopy of Abraxane®. Dr. Atwood will offer testimony regarding discussions of the claimed technology during prosecution of the '363 and '025 patents, and provide a background tutorial relating to crystallinity, amorphousness, and relevant analytical techniques, including X-ray powder diffraction, solid state NMR spectroscopy, and electron microscopy. Dr. Atwood will testify regarding Elan's ssNMR testing if that testing is not excluded**

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by the Court. Dr. Atwood may rebut related testimony by Elan witnesses.

Elan's response: Elan objects to Dr. Atwood as unqualified to testify or opine about solid-state nuclear resonance spectroscopy (ssNMR), or issues related to ssNMR, for reasons more fully discussed in Elan's motion in limine no. 3 and the reply thereto.

Elan also objects to Abraxis calling Dr. Atwood to testify regarding any subject matter or opinions not expressly disclosed in his timely served opening and rebuttal expert reports. Furthermore, Elan objects to Abraxis calling Dr. Atwood to testify regarding the alleged invalidity or unenforceability of the '025 Patent. Such testimony is irrelevant and wasteful as the '025 Patent is currently pending before the U.S. Patent & Trademark Office in reissue proceedings. *See* Fed. R. Evid. 402, 403.

Elan further specifically objects to Abraxis calling Dr. Atwood to testify or opine on subject matters discussed in his supplemental report. Dr. Atwood's supplemental report was served on February 29, 2008, some two and a half months after the December 14, 2007 close of expert discovery, and more than three months after Elan's December 5, 2007 deposition of Dr. Atwood. Notably, Abraxis failed to seek leave of Court before serving Dr. Atwood's supplemental report.

Dr. Atwood's purported "supplemental" report does not fill in gaps in his opening or rebuttal expert reports, as permitted by Federal Rule of Civil Procedure 26. Rather, Dr. Atwood's supplemental report addresses for the first time the provenance of [redacted] upon which Abraxis relies for its proposition that Abraxane is amorphous. In his rebuttal expert report, Dr. Atwood adopted the [redacted]

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[redacted] Elan questioned Dr. Atwood about the [redacted] during his deposition, and particularly about the fact that [redacted]

On February 1, 2008 — some five and a half months after the August 13, 2007 close of fact discovery — Abraxis first disclosed Ms. Melody as a fact witness to Elan. 28 days later — three months after the close of expert discovery — Abraxis served Dr. Atwood's "supplemental" report. Dr. Atwood's supplemental expert report is nothing more than a back door attempt to introduce testimony from Ms. Melody that contradicts her written documents and that would otherwise be untimely and inadmissible.

Elan will be prejudiced by admission of testimony and/or evidence regarding the subject matter and opinions contained in Dr. Atwood's supplemental report. [redacted] Elan should not be punished or Abraxis rewarded for Dr. Atwood's failure to consider this information in a timely fashion. The time to proffer this evidence and allow Elan to depose the relevant witnesses is past. Abraxis should not be permitted to circumvent the Scheduling Order, burden Elan with further fact and expert discovery, and delay the orderly progress to trial. District courts have the power to control their dockets by refusing to give ineffective litigants a second

chance to develop their case. Here, the facts mitigate against allowing a deviation from the Court's Scheduling Order and providing Dr. Atwood with the opportunity to testify regarding the subject matter and opinions contained in his supplemental report.

Elan also objects to Abraxis calling Dr. Atwood to testify or opine on ssNMR issues raised in his supplemental report, which was served after the close of expert discovery. Any real expert in solid state NMR would have had ample opportunity to evaluate Dr. Munson's ssNMR data during the period of expert discovery. Dr. Atwood admits in his supplemental report that he lacked both the hardware and the software to evaluate the data generated by Dr. Munson – and that he waited months to acquire it. In essence, Abraxis retained an "expert" who lacked the ability to offer an effective critique of Dr. Munson's work during the period of expert discovery. In that light, Dr. Atwood should not now, 10 weeks after the close of expert discovery, be permitted to provide criticisms that he had ample opportunity to consider and address during expert discovery.

Dr. Atwood's complaints about sample handling, sample integrity, and standard purity expressed in his supplemental report are also not new. He should be permitted only to testify about that subject matter to the extent he addressed it in his timely served rebuttal report. Elan objects to Dr. Atwood taking this opportunity to introduce new takes on these issues in a late-filed "supplemental" report.

Abraxis's reply: Taking Elan's objections in turn,

(1) Dr. Atwood is qualified to give the opinions regarding ssNMR for the reasons discussed in Abraxis's response to Elan motion in limine No. 3.

(2) Dr. Atwood will testify as to the opinions expressed in his opening, rebuttal,

REDACTED

and supplemental reports, and in reply to the opinions expressed by Elan's experts in rebuttal to Dr. Atwood's opening report, as to which Elan had the opportunity to examine Dr. Atwood at his deposition. In addition, if Elan's experts are permitted to testify at trial beyond the scope of their expert reports (on topics addressed in Dr. Atwood's reports), then Dr. Atwood may respond to that testimony.

(3) Testimony by Dr. Atwood about the invalidity and unenforceability of the '025 patent is appropriate because Abraxis has pending counterclaims seeking a declaration of invalidity and unenforceablity with respect to that patent.

(4) Elan did not file a motion in limine to exclude Dr. Atwood's supplemental report. Nor could it. As explained in Abraxis's response to Elan motion in limine No. 3 and in the report itself, it is based on information that was not available to Dr. Atwood at the time he prepared his opening and rebuttal expert reports. For example, Elan raised the issue [redacted] ***for the first time during expert depositions, when Elan's experts volunteered this theory at their depositions (without putting it in their expert reports). Dr. Atwood explained why he only explored this issue after his initial reports in his supplemental report, to which Elan does not respond. Similarly, the ssNMR opinions in Dr. Atwood's supplemental report were based on information not previously available to Dr. Atwood due to Elan's discovery misconduct, as explained in Abraxis's motion in limine No. 2 and the undisputed facts set forth in Dr. Atwood's and Emily Evans's declarations filed in support of that motion.***

3.	**Neil Desai, Ph.D.** **Abraxis BioScience, Inc.** **11755 Wilshire Blvd., 20th Floor** **Los Angeles, CA 90025** **(live)** Elan's response: Elan objects to Abraxis calling Dr. Desai to testify in the form of opinions or inferences except to the extent that such opinions and inferences are expressly permitted pursuant to Fed. R. Evid. 701.
4.	**Elaine Liversidge, Ph.D.** **Elan Drug Delivery, Inc.** **3500 Horizon Drive** **King of Prussia, PA 19406** **(live and/or by deposition)**
5.	**Gary G. Liversidge, Ph.D.** **Elan Drug Delivery, Inc.** **3500 Horizon Drive** **King of Prussia, PA 19406** **(live and/or by deposition)**
6.	**Pramod P. Sarpotdar, Ph.D.** **3981 Gaffney Court** **San Diego, California 92130** **(live and/or by deposition)**
7.	**Patrick Soon-Shiong, M.D.** **Abraxis BioScience, Inc.** **11755 Wilshire Blvd., 20th Floor** **Los Angeles, CA 90025** **(live)** Elan's response: Elan objects to Abraxis calling Dr. Soon-Shiong to testify in the form of opinions or inferences except to the extent that such opinions and inferences are expressly permitted by Fed. R. Evid. 701.

	Defendant Abraxis identifies the following witnesses that may be called to testify at trial.
1.	**Dewey Barich, Ph.D.** **University of Kansas** **Lawrence, KS 66045** **(live and/or by deposition)** **Note: Abraxis is listing Dr. Barich as a "may call" witness in the event that its motion in limine No. 2 is not granted.**
2.	**Cory Berkland, Ph.D.** **18329 Northwind Drive** **Lawrence, KS 66044** **(live and/or by deposition)** **Note: Abraxis is listing Dr. Berkland as a "may call" witness in the event that its motions in limine Nos. 1 and 2 are not granted.**
3.	**Harry G. Brittain, Ph.D.** **10 Charles Street** **Milford, NJ 08848** **(live and/or by deposition)**
4.	**Stephen R. Byrn, Ph.D.** **Purdue University** **West Lafayette, IN 47906** **(live and/or by deposition)**

5.	**Mitchall Clark** **Abraxis BioScience, Inc.** **11755 Wilshire Blvd., 20th Floor** **Los Angeles, CA 90025** **(live)** Elan's response: Elan objects to Abraxis calling Mitchall Clark to testify in the form of opinions or inferences except to the extent such opinions and inferences are expressly permitted by Fed. R. Evid. 701.
6.	**David Czekai** **NanoSystems Div., Elan Pharmaceuticals** **3500 Horizon Drive** **King of Prussia, PA 19406** **(live and/or by deposition)**
7.	**Samuel J. Danishefsky, Ph.D.** **Memorial Sloan-Kettering Cancer Institute** **1275 York Avenue** **New York, NY 10065** **(live and/or by deposition)**
8.	**William J. Davis, Esq.** **International Specialty Products** **1361 Alps Rd.** **Wayne, NJ 07470** **Phone: (973) 628-3529** **(live and/or by deposition)**
9.	**Lawrence de Garavilla, Ph.D.** **909 Noble Drive** **Downingtown, PA 19335** **(live and/or by deposition)**
10.	**Michael R. Hamrell, Ph.D.** **Moriah Consultants** **4481 Paloma Lane** **Yorba Linda, CA 92886** **(live)** **Dr. Hamrell may testify regarding the subject matter discussed in his**

	expert report, including a background tutorial regarding preclinical testing of pharmaceutical products, the FDA approval process, and the significance of preclinical testing of Elan nanocrystal formulations as compared to preclinical and clinical testing of Abraxane®. Dr. Hamrell may rebut related testimony by Elan witnesses. Elan's response: Elan objects to Abraxis calling Dr. Hamrell to testify or opine on any subject matter not expressly disclosed in his expert report. Elan also objects to Abraxis calling Dr. Hamrell to testify regarding the alleged invalidity or unenforceability of the '025 Patent. Such testimony is irrelevant and wasteful as the '025 Patent is currently pending before the U.S. Patent & Trademark Office in reissue proceedings. *See* Fed. R. Evid. 402, 403. ***Abraxis's reply:_Taking Elan's objections in turn,*** ***(1) Dr. Hamrell will testify as to the opinions expressed in his rebuttal report. In addition, if Elan's experts are permitted to testify at trial beyond the scope of their expert reports (on topics addressed in Dr. Hamrell's report), then Dr. Hamrell may respond to that testimony.*** ***(2) Dr. Hamrell did not opine on the invalidity and unenforceability of the '025 patent.***

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11.	**Michael Hawkins, M.D.** **380 Harbor Street, No. 2** **Venice, CA 90291** **(live and/or by deposition)** Elan's response: Elan objects to Abraxis calling Dr. Hawkins to testify in the form of opinions or inferences except to the extent such opinions and inferences are expressly permitted by Fed. R. Evid. 701.
12.	**Leslie Louie** **Abraxis BioScience, Inc.** **11755 Wilshire Blvd., 20th Floor** **Los Angeles, CA 90025** **(live)**
13.	**Manoj Maniar, Ph.D.** **375 Pheasant Run** **Newtown, PA 18940** **(live and/or by deposition)**
14.	**Katherine Melody** **Micron, Inc.** **3815 Lancaster Pike** **Wilmington, DE 19805** **(live)** Elan's response: Elan objects to Abraxis calling Katherine Melody, a purported fact witness, to testify at trial. Abraxis first disclosed Ms. Melody to Elan on February 1, 2008—five and a half months after the August 13, 2007 close of fact discovery, and two and a half months after the close of expert discovery. Ms. Melody is [redacted]

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[redacted]

Elan will be unduly prejudiced if Ms. Melody is permitted to testify. If Abraxis had timely advised Elan of any refutation by Ms. Melody of her written records, Elan would have had an opportunity to depose her and to have its experts consider her testimony in formulating their opinions. Abraxis's last-minute disclosure of Ms. Melody as a fact witness leaves Elan with the Hobson's choice of inadequate preparation or costly delay. Elan should not have to make this choice and Abraxis should suffer the consequences of its expert's failure to carefully evaluate the data upon which he relied.

Elan further objects to Abraxis calling Ms. Melody to testify in the form of opinions or inferences except to the extent that such opinions and inferences are expressly permitted by Fed. R. Evid. 701.

Abraxis's reply: Elan's objections to the testimony of Ms. Melody constitute an additional (and untimely) motion in limine in excess of its five permitted motions in limine. For the first time in this case, during expert depositions, Elan challenged [redacted]

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	[redacted] ***Ms. Melody's testimony also would support the admissibility of those records. Elan can show no prejudice from the presentation of Ms. Melody at trial. Ms. Melody was disclosed to Elan on Abraxis's supplemental initial disclosures on February 29, 2008. Abraxis has offered Ms. Melody for deposition numerous times, but Elan has elected not to depose her. Abraxis remains willing to produce Ms. Melody for a deposition before trial.*** ***Abraxis notes that Dr. Atwood did not "adopt in his rebuttal expert report*** [redacted]
15.	**Eric J. Munson Ph.D.** **1324 Lawrence Ave.** **Lawrence, KS 66049** **(live and/or by deposition)** **Note: Abraxis is listing Dr. Munson as a "may call" witness in the event that its motion in limine No. 2 is not granted.**
16.	**Terry L. Musika, C.P.A.** **Invotex Group** **1637 Thames Street** **Baltimore, MD 21231** **(live)** **Mr. Musika may testify regarding the subject matter discussed in his expert report, including background information regarding Elan and Abraxis, the**

taxane market, and the appropriate methodology to determine damages for patent infringement. Mr. Musika may offer testimony on reasonable royalty and the relevant factors to be considered in determining a reasonable royalty, including the appropriate calculation of profitability for Abraxane and for Elan; an evaluation of the degree to which prior licenses are comparable or should affect the determination of a reasonable royalty; the proper calculation of the royalty base; and the appropriate royalty rate if the jury finds that Abraxane infringes a valid claim of the '363 patent. Mr. Musika may offer rebuttal testimony on the subject of reasonable royalty damages in response to the testimony of John C. Jarosz. Mr. Musika may rebut related testimony by Elan witnesses.

Elan's response: Elan objects to Abraxis calling Mr. Musika to offer any testimony or opinion regarding the financial condition of Elan or Elan Corporation, plc. Such testimony is irrelevant, confusing, and misleading to the jury. *See* Fed. R. Civ. P. 403. Elan also objects to Mr. Musika testifying regarding any subject matter or opinions not expressly disclosed in his expert report.

Abraxis's reply: Abraxis responds that Elan's and Elan Corporation, plc's financial conditions are relevant to the determination of reasonable royalty damages calculated by means of a hypothetical negotiation pursuant to Georgia-Pacific. Both Mr. Musika and Elan's reasonable royalty expert, Mr. Jarosz, make the relevant calculations, discuss both Elan entities' financial condition and address its effect on the hypothetical negotiation in their respective expert reports and each attaches an exhibit reflecting the calculations to their expert reports. Several of the Georgia-

	Pacific factors applied by both Mr. Musika and Mr. Jarosz relate to the hypothetical licensor's financial condition and business practices. As both Mr. Musika and Mr. Jarosz recognize, Elan and Elan Corporation, plc's financial condition is one economic factor that a prudent business person would, under similar circumstances, take into consideration in negotiating a hypothetical license. There is no reason to believe that the presentation of this information is likely to confuse or mislead the jury given the substantial differences between Abraxis and Elan/Elan Corporation, plc. Mr. Musika will testify with respect to the matters contained in his rebuttal expert report, updated for recently released financial information. In addition, if Mr. Jarosz is permitted to testify at trial beyond the scope of his expert report (on topics addressed in Mr. Musika's report), then Mr. Musika may respond to that testimony.
17.	**Nancy Peltier** **Elan Drug Delivery, Inc.** **3500 Horizon Drive** **King of Prussia, PA 19406** **(live and/or by deposition)**
18.	**Ulagaraj Selvaraj, Ph.D.** **Abraxis BioScience, Inc.** **11755 Wilshire Blvd., 20th Floor** **Los Angeles, CA 90025** **(live)** Elan objects to Abraxis calling Dr. Selvaraj to testify in the form of opinions or inferences except to the extent that such opinions and inferences are expressly permitted by Fed. R. Evid. 701.

19.	**Lianjun Shi, Ph.D.** **150318 Doolittle Drive** **Bridgewater, NJ** **(live and/or by deposition)** **Note: Abraxis is listing Dr. Shi as a "may call" witness in the event that its motion in limine No. 2 is not granted.**
20.	**David Robert Taft, Ph.D.** **Division of Pharmaceutical Sciences** **Long Island University** **Brooklyn, NY 11201** **(live and/or by deposition)**
21.	**Jeffrey D. Winkler, Ph.D.** **University of Pennsylvania** **Philadelphia, PA 19104** **(live and/or by deposition)** **Note: Abraxis is listing Dr. Winkler as a "may call" witness in the event that its motion in limine No. 2 is not granted.**
22.	**Johnson Tai Wong, M.D.** **8 Hawthorne Place, Suite 104** **Boston, MA 02114** **(live)** **Dr. Wong may testify regarding the subject matter discussed in his expert reports, including the state of the art of nanoparticles in medicine and invalidity of the '025 patent, including nonenablement, lack of written description, and the materiality of prior art and information withheld from the United States Patent and Trademark Office during prosecution of the '025 patent (inequitable conduct). Dr. Wong may also testify regarding the significance of preclinical testing of Elan nanocrystal formulations as compared to preclinical and clinical testing of**

	Abraxane. Dr. Wong may rebut related testimony by Elan witnesses. Elan's response: Elan objects to Abraxis calling Dr. Wong to testify regarding any subject matter related to the '025 Patent. Such testimony would be irrelevant and wasteful as the '025 Patent is currently pending before the U.S. Patent & Trademark Office in reissue proceedings. *See* Fed. R. Evid. 402, 403. Elan also object to Dr. Wong testifying regarding any subject matter or opinions not expressly disclosed in his expert report. ***Abraxis's reply: Dr. Wong's testimony regarding the '025 patent is relevant because Abraxis's counterclaims on invalidity and unenforceability of the '025 patent are still at issue in this case. Dr. Wong will testify as to the opinions expressed in his opening and rebuttal reports, and in reply to the opinions expressed by Elan's experts in rebuttal to Dr. Wong's opening report. In addition, if Elan's experts are permitted to testify at trial beyond the scope of their expert reports (on topics addressed in Dr. Wong's reports), then Dr. Wong may respond to that testimony.*** .
23.	**Timothy Wozniak, M.D.** **Regional Hematology/Oncology, P.A.** **4701 Ogletown Stanton Rd, Suite 2100** **Newark, DE 19713** **(live)** Elan's response: Elan objects to Abraxis calling Dr. Wozniak, M.D., a purported fact witness, to testify at trial. Abraxis first disclosed Dr. Wozniak to Elan on February 29, 2008——five and a half months after the August 13, 2007 close of fact discovery, and two and a half months after the close of expert discovery. Abraxis's

disclosure of Dr. Wozniak states that "Dr. Wozniak is knowledgeable about his clinical experience with Taxol and Abraxane." Abraxis has provided no explanation as to why it delayed disclosing Dr. Wozniak, or about what Dr. Wozniak's "knowledge" will contribute to the trial of this case.

Elan will be unduly prejudiced if Dr. Wozniak is allowed to testify. Elan's experts formed their opinions at least in part based upon the testimony of fact witnesses. Dr. Wozniak's testimony about his clinical experience with Taxol and Abraxane would undoubtedly be of substantial interest to Elan's experts. To reopen both fact and expert discovery on the very eve of trial will cause undue delay and result in Elan incurring substantial additional cost. Elan should not be required to endure either, since Abraxis had ample opportunity to offer Dr. Wozniak, who has been in practice since Abraxane came on the market, as a fact witness before now, the eve of trial.

Elan also objects to Abraxis calling Dr. Wozniak to testify in the form of opinions or inferences except to the extent that such opinions and inferences are expressly permitted by Federal Rule of Evidence 701.

Abraxis's reply: Elan's objections to the testimony of Dr. Wozniak constitute another motion in limine in excess of Elan's quota of five, and are untimely. Dr. Wozniak is a background fact witness disclosed to Elan on limited subjects in Abraxis's Second Supplemental Initial Disclosures. Dr. Wozniak will provide brief testimony limited to his personal experience as a clinical oncologist administering Abraxane and Taxol. Dr. Wozniak's testimony will be helpful testimony for the jury in understanding how Abraxane is administered to patients as compared to the previously-available paclitaxel product Taxol, and one doctor's experience with those products. Dr.

	Wozniak is uniquely qualified to provide this contextual testimony to the jury. Elan can show no prejudice from the presentation of Dr. Wozniak at trial. Abraxis has offered Dr. Wozniak for deposition, but Elan has elected not to depose Dr. Wozniak. Abraxis remains willing to produce Dr. Wozniak for a deposition.

Abraxis reserves the following rights to:

a) **Call at trial any witness identified by Elan on its witness list;**

b) **Question, as an adverse witness, any individual called to testify by Elan on matters beyond the scope of direct testimony;**

c) **Present rebuttal testimony from other witnesses to rebut evidence presented by Elan, which was not previously produced to Abraxis during discovery or as to which Abraxis has had no reasonable opportunity to take discovery;**

d) **Present rebuttal testimony from other witnesses to the extent necessary for a full and fair presentation of issues to the Court;**

e) **Present testimony of other witnesses as may be necessary to overcome objections to authenticity and/or admissibility of evidence; and**

f) **Supplement to this list to add additional witnesses, as necessary.**

Elan's response: Elan objects to Abraxis calling to trial any witness not previously disclosed to Elan during fact or expert discovery. Elan further objects to Abraxis's stated intention to examine witnesses beyond the scope of permissible cross-examination.

Abraxis's reply: Abraxis does not intend to call any witness at trial not already disclosed to Elan. Abraxis has not stated an intention to examine witnesses beyond the scope of permissible cross-examination. Nor does it intend to do so.

EXHIBIT 7

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.	§	

EXHIBIT 7: THE PARTIES' SEPARATE STATEMENTS REGARDING QUALIFICATIONS OF THEIR EXPERT WITNESSES

I. Plaintiff's Expert Witnesses

Eric J. Munson Ph.D.

Dr. Munson is a full tenured Professor in the Department of Pharmaceutical Chemistry at the University of Kansas. Dr. Munson graduated with highest honors with a degree in Chemistry and Physics from Augustana College. Dr. Munson received a Ph.D. in Chemistry from Texas A&M University. After completing his doctoral dissertation on solid-state nuclear magnetic resonance, the focus of his research has been on solid-state characterization of pharmaceutical solids. He was awarded a Fulbright Fellowship and received the Texas A&M University Outstanding Graduate Research Award. At age 32, he was awarded the National Science Foundation CAREER Award; and at age 39 he received the Pfizer Research Scholar Award. He is currently listed in "Who's Who in SSNMR" published by the Rocky-Mountain Conference on Solid-State NMR. Dr. Munson currently serves on the Editorial Board of the *Journal of*

Pharmaceutical Science and is a member of a number of professional pharmaceutical organizations, including the American Association of Pharmaceutical Scientists and National Institute of Pharmaceutical Technology. He has published more than 65 articles in refereed journals, including more than a dozen concerning the characterization of pharmaceutical solids.

David Robert Taft, Ph.D.

Dr. Taft is the Director of the Division of Pharmaceutical Sciences and a tenured Associate Professor within the Arnold & Marie Schwartz College of Pharmacy and Health Sciences, of Long Island University. He received his undergraduate degree in Pharmacy with highest distinction from the University of Rhode Island. Dr. Taft received a Ph.D. in Pharmaceutics from the University of Connecticut. After completing his doctoral dissertation on mechanisms of drug excretion by the kidney, his professional interests have focused on pharmacokinetics, pharmacology, and pharmacodynamics. A number of pharmaceutical companies have consulted with Dr. Taft concerning the proper interpretation of preclinical testing. Dr. Taft teaches courses at both the undergraduate and graduate levels and currently has 13 graduate students working under his direction on topics including preclinical evaluation of novel therapeutic entities. He is the recipient of the American Association of Pharmaceutical Scientists' New Investigator Award in Pharmacokinetics, Pharmacodynamics, and Drug Metabolism. He presently serves on the Editorial Advisory Board for three peer-reviewed journals and on the International Advisory Board of a fourth, and has published more than 40 manuscripts and research abstracts, as well as co-edited two books in the areas of preclinical drug development and formulation strategies to optimize therapeutic outcomes.

David J. Haidak, M.D.

Dr. Haidak is a medical oncologist who has treated cancer patients in private practice for 32 years. He is actively engaged in the treatment of adult cancer patients with Oncology-Hematology Associates PA. Dr. Haidak has served as both a Principal Investigator and Co-Investigator in clinical trials involving anticancer drugs and related medications. Dr. Haidak graduated from Yale University with an undergraduate degree in Biology, and he earned a medical degree from Albany Medical College. After medical school, Dr. Haidak did a one year internship with Georgetown Service at D.C. General Hospital; a two year internal medical residency at Georgetown University Hospital; a one year hematology fellowship at Georgetown University Hospital; a one year oncology and hematology fellowship at George Washington University Medical Center; and a one year oncology fellowship at Georgetown University Hospital. Dr. Haidak is licensed to practice medicine in the District of Columbia, Virginia, Maryland, New York, and Massachusetts. He is board certified by the American College of Physicians in internal medicine, hematology, and oncology, and is a Fellow in the American College of Physicians (F.A.C.P.). Dr. Haidak has authored or co-authored numerous articles on medical oncology.

John C. Jarosz

Mr. Jarosz is a Managing Principal of Analysis Group, Inc. and Director of the firm's Washington, D.C. office. He is an economist whose specialty is valuing intellectual property assets. His experience includes the valuation of intellectual property assets of pharmaceutical companies. Mr. Jarosz received his undergraduate degree in Economics and Organizational Communication from Creighton University in Omaha, Nebraska. He has a master's degree in Economics from Washington University in St. Louis, and a juris doctor from the University of Wisconsin. He is a member of Omicron Delta Epsilon, an international honor society in Economics. Mr. Jarosz is a member of a number of professional organizations focusing on economics analysis, including the American Economic Association and American Law and Economics Association.

Stephen R. Byrn, Ph.D.

Dr. Byrn is the Charles B. Jordan Professor of Medicinal Chemistry and Head of the Department of Industrial and Physical Pharmacy at Purdue University, West Lafayette, Indiana. Dr. Byrn received his undergraduate degree at DePauw University. He received his Ph.D. in Organic and Physical Chemistry from the University of Illinois. Dr. Byrn did postdoctoral training in Physical Chemistry at the University of California, Los Angeles. Dr. Byrn has authored over 135 peer-reviewed publications in technical journals on topics relating to solid-state chemistry of drugs and pharmaceutical solids, and processing and manufacturing of pharmaceuticals. He is coauthor of the pharmaceutical text books "Solid State Chemistry of Drugs" and "Quantitative Pharmaceutical Chemistry." He has taught at the United States Food and Drug Administration, and has given over 100 invited lectures and presentations on solid-state chemistry and pharmaceutical formulations. Dr. Byrn has consulted to a number of pharmaceutical companies on formulation issues, including the conception and design of drug formulations. Dr. Byrn has founded or co-founded several academic and industrial programs including Purdue's Center for AIDS Research, the Consortium for the Advancement of Manufacturing in Pharmacy, and SSCI, Inc., a research and information company in West Lafayette, Indiana. Dr. Byrn is the past Chair of the Pharmaceutical Sciences Advisory Committee at FDA, which advised FDA on biopharmaceutical issues as well as chemical manufacturing control issues. He is a member and former Chair of the Drug Substances Technical Committee of the Product Quality Research Institute. Dr. Byrn is a past Chair of the Chemistry 5 Expert Committee at the United States Pharmacoepia, a past member of the Council of Experts at the United States Pharmacoepia, the current Purdue University delegate to the

United States Pharmacoepia, and has served on the United States Pharmacoepia Excipients Committee.

Mark C. Manning, Ph.D.

Dr. Manning is the Chief Scientific Officer for Legacy BioDesign LLC. He is also a member of the Affiliate Faculty at the Colorado State University Veterinary Teaching Hospital. Dr. Manning received his bachelor's degree in Chemistry from Hope College, a master's degree in Chemistry from Northwestern University, and a Ph.D. degree in Chemistry from Northwestern University. He did postdoctoral training in the Departments of Chemistry and Biochemistry at Colorado State University. He was Assistant Professor of Pharmaceutical Chemistry at the University of Kansas from 1988 to 1990. He was Assistant Professor of Pharmaceutics at the University of Colorado from 1990 to 1997. He was Associate Professor of Pharmaceutics at the University of Colorado from 1997 to 2003. He has over 20 years experience with a variety of analytical methods for the characterization of pharmaceutical solids, including x-ray diffraction and differential scanning calorimetry. He has specific experience with the structure, aggregation, and chemical modification of a number of proteins, including human albumin. He has published over 100 peer-reviewed articles and has co-edited three books on Pharmaceutical Biotechnology. He is an inventor of four U.S. Patents, and has given over 100 invited lectures around the world. Dr. Manning has consulted to over 45 pharmaceutical and biotechnology companies during the past 15 years. He is a Fellow of the American Association of Pharmaceutical Scientists, and has received the American Association of Pharmaceutical Scientists National Research Award in Biotechnology.

Harry G. Brittain, Ph.D.

Dr. Brittain is the Institute Director of the Center for Pharmaceutical Physics, a private consulting company he founded in 1999. He received his bachelor's degree in Chemistry from Queens College, a master's degree in Physical Chemistry from Northwestern University, and a Ph.D. in Physical Chemistry from City University of New York. Dr. Brittain has over 22 years of experience in the fields of physical pharmacy, pharmaceutical formulation design, and pharmaceutical characterization. Dr. Brittain has authored approximately 285 research publications and book chapters, and has presented over 145 invited lectures in the pharmaceutical field. He has edited the monographs *Analytical Applications of Circular Dichroism*, *Physical Characterization of Pharmaceutical Solids*, *Polymorphism in Pharmaceutical Solids*, *Spectroscopy of Pharmaceutical Solids*, and *Preformulation in Solid Dosage Form Development*. He is the Editor-In-Chief of the book series *Profiles of Drug Substances, Excipients, and Related Methodology*, and has edited 13 volumes in the series which is now published annually by Elsevier. Dr. Brittain is presently an Associate Editor of Physical Pharmacy for the *Journal of Pharmaceutical Sciences*, and a member of the editorial boards of *Pharmaceutical Development and Technology*, *AAPS PharmSciTech*, *Pharmaceutical Technology*, the *Encyclopedia of Pharmaceutical Technology*, and the Informa Press book series *Drugs and the Pharmaceutical Sciences*. Dr. Brittain is a Fellow of the American Association of Pharmaceutical Scientists and of the Royal Society of Chemistry, and was awarded the Research Achievement Award by the APQ Section of the American Association of Pharmaceutical Scientists.

Cory Berkland, Ph.D.

Dr. Berkland is an Assistant Professor in the Department of Pharmaceutical Chemistry at the University of Kansas. He received his bachelor's degree in Chemical Engineering from Iowa State University; a master's degree in Chemical Engineering from the University of Illinois; and a Ph.D. in Chemical and Biomolecular Engineering from the University of Illinois. After completing his Ph.D., Dr. Berkland was selected as a Postdoctoral Research Associate in the Department of Chemical and Biomolecular Engineering at the University of Illinois. The focus of his research is pharmaceutical formulations, including nanoparticulate drug formulations, microencapsulation of pharmaceuticals, and controlled release drug delivery. He has devoted specific attention to the formulation and characterization of pharmaceutical nanoparticles and microencapsulated therapeutics. Dr. Berkland's research has led to five patent applications that name him as an inventor. In addition to his research, Dr. Berkland has co-founded two companies based on his inventions. These companies involve micro- and nano-drug delivery technologies. Dr. Berkland is a member of the American Association of Pharmaceutical Scientists and the Controlled Release Society. He is a co-founder of the Nanomedicine Research Group, and serves as a peer-reviewer for *Advanced Materials*, *Expert Opinion in Drug Delivery*, *Biomaterials*, *Journal of Pharmaceutical Sciences*, *Journal of Controlled Release*, and *Journal of Pharmaceutical Research*.

Manoj Maniar, Ph.D.

Dr. Maniar is the Vice President of Product Development at Onconova Therapeutics, Inc. He is also the President & CEO of Palm Pharmaceuticals, Inc., and Chairman of Focal Vision International Pvt. Ltd. Dr. Maniar received a bachelor's degree in Pharmacy from the University of Bombay and a Ph.D. in Pharmaceutics from The University of Connecticut. For 18 years Dr. Maniar has been involved with the discovery, development, and commercialization of pharmaceutical products and medical devices. He has specific experience developing novel drug delivery systems, which includes evaluating safety, efficacy, and toxicology, as well as testing them in humans under FDA approved Investigational New Drug applications.

Samuel J. Danishefsky, Ph.D.

Dr. Danishefsky is a Professor of Chemistry at Columbia University and the Eugene Kettering Chair and Director of the Laboratory of Bioorganic Chemistry at the Memorial Sloan-Kettering Cancer Center. He received his bachelor's degree in Chemistry from Yeshiva University and a Ph.D. in Chemistry from Harvard University. Dr. Danishefsky did his postdoctoral training at Columbia University as a National Institutes of Health Postdoctoral Associate. Dr. Danishefsky was a faculty member of the chemistry department at the University of Pittsburgh, where he held the positions of Assistant Professor, Associate Professor, Professor, and University Professor. He was also a Professor at Yale University, where he taught and conducted research in bioorganic chemistry. While at Yale, Dr. Danishefsky was named the Eugene Higgins Professor in Chemistry and Sterling Professor in Chemistry, and he served as Chairman of the Yale University department of chemistry. Dr. Danishefsky's research is directed to the synthesis and bioactivity of potential drugs and vaccines, primarily focusing on the preparation of drugs and vaccines useful in the treatment of cancer and related illnesses. His work is recognized by a number of awards including the Wolf Prize in Chemistry, the Tetrahedron Prize, the Arthur C. Cope Medal, the Franklin Medal in Chemistry, the Bristol-Myers Squibb Lifetime Achievement Award in Chemistry, the National Academy of Sciences Award in the Chemical Sciences, the Roger Adams Award, and the inaugural award of the American Association for Cancer Research.

II. Defendant's Expert Witnesses

Mansoor. M. Amiji, Ph.D.

Dr. Amiji has extensive experience with the development of nanoparticulate drug delivery systems. He is Professor and Associate Department Chairman in the Department of Pharmaceutical Sciences, School of Pharmacy, Bouve College of Health Sciences at Northeastern University in Boston, Massachusetts. Dr. Amiji also is Co-Director of the Nanomedicine Education and Research Consortium at Northeastern University. Dr. Amiji received his bachelor's degree in Pharmacy *(magna cum laude)* from Northeastern University in 1988 and a Ph.D. degree in Pharmaceutics from Purdue University in 1992.

Dr. Amiji's research focuses on nanotechnology for medical diagnosis and therapy, drug delivery systems, and polymeric biomaterials. His teaching has included the courses *Introduction to Nanomedicine* and *Nanosystems Design for Biology and Medicine.* He provides consulting services to pharmaceutical, biotechnology, and medical device companies.

Dr. Amiji has three published books: *Nanotechnology for Cancer Therapy* (CRC Press 2007), *Polymeric Gene Delivery: Principles and Applications* (Taylor & Francis, 2005), and *Applied Physical Pharmacy* (McGraw-Hill, 2003). He also has published over one-hundred peer-reviewed publications and abstracts and eight book chapters, most of which relate to nanotechnology applications in biology and medicine. He was awarded or has applied for several U.S. patents concerning biocompatible materials, drug delivery systems, and nanomedicine.

Dr. Amiji has been recognized with a number of awards and accolades, including the 2006 Nanoscience and Technology Institute's Fellow Award for Outstanding Contributions Towards the Advancement in Nanotechnology, Microtechnology, and Biotechnology and citation in Who's Who in Academic Pharmaceutical Sciences (2004). He received the American

Association of Pharmaceutical Scientists, 2007 Manuscript Meritorious Award and was selected as a Fellow of the Association.

Dr. Amiji is an active member of various professional and scientific organizations in the field of pharmaceutical science and is a member of five peer-reviewed journal editorial boards, including for Expert Opinion on Drug Delivery and Journal of Nano Education. He is the faculty delegate for Northeastern University in the United States Pharmacopeia (USP) Convention.

Jerry L. Atwood, Ph.D.

Dr. Atwood has more than 40 years' experience characterizing the crystalline and amorphous solid states. Since the mid-1980s, he has focused on solid-state organic chemistry (the study of solid organic chemicals) and supramolecular chemistry, including nanostructures. Dr. Atwood received a bachelor's degree in Chemistry and Mathematics from Southwest Missouri State University in 1964 and a Ph.D. from the University of Illinois in 1968. He is currently the Curators' Professor of Chemistry and Chair of the Department of Chemistry at the University of Missouri-Columbia.

Dr. Atwood carries out cutting-edge research in solid-state organic chemistry, with emphasis on solvate and polymorphic molecules, including molecules with pharmaceutical applications, and has trained many graduate students and post-doctoral fellows in his laboratory. Dr. Atwood also has taught courses related to many aspects of synthetic and solid state chemistry, including courses in synthetic supramolecular chemistry, physical methods for materials characterization, and X-ray crystallography.

Dr. Atwood has published over 600 articles in peer-reviewed journals. Many of his publications concern nanostructures and solid state chemistry. Dr. Atwood has authored and/or edited several treatises concerning supramolecular chemistry and nanochemistry, including *Organic Nanostructures* (Wiley 2007), *Inclusion Compounds* (Oxford 1991), and the definitive text on supramolecular chemistry, the *Encyclopedia of Supramolecular Chemistry* (Marcel Dekker 2004). Dr. Atwood is a co-editor of the New Journal of Chemistry and the consulting editor of the Journal of Chemical Crystallography. Dr. Atwood is among the top 50 most-cited chemists in the world.

Dr. Atwood has extensive research experience with organic crystals including organic nanostructures. Dr. Atwood also has expertise in several analytical techniques for characterizing solid materials, including X-ray powder diffraction, ssNMR, cryoTEM, and FT-IR.

Dr. Atwood has supervised and interpreted XRPD in his laboratory, and has published extensively regarding XRPD. He also has edited multiple treatises with chapters discussing XRPD. Dr. Atwood has also supervised and interpreted ssNMR in his laboratory, and has published papers describing ssNMR results. Over 75 of Dr. Atwood's 600 plus articles refer to NMR. He also has edited multiple treatises with chapters discussing ssNMR. Dr. Atwood also has experiencewith deconvolution analyes, having used this technique many times to analyze experimental results.

Dr. Atwood has received numerous international awards and honors, including the von Humboldt Senior Scientist Award (Germany), the Japanese Society for the Promotion of Science Award, the President's Award in Research and Creative Activity from the University of Missouri, the Izatt-Christensen International Macrocyclic Chemistry Award, the Honorary Medal of the Institute of Physical Chemistry of the Polish Academy of Sciences, the Midwest Chemist Award of the American Chemical Society, and the Burnum Award for Teaching and Research from the University of Alabama. Dr. Atwood is a Foreign Member of the Polish Academy of Sciences, and a Fellow of the Royal Society of Chemistry.

Dr. Atwood has served as a consultant for more than twenty pharmaceutical, polymer, and petrochemical companies. He sits on the editorial boards of several chemistry journals that focus on crystal structure and supramolecular chemistry, including Supramolecular Chemistry, Chemical Communications, Crystal Growth & Design, and the Journal of Coordination Chemistry.

Dr. Johnson T. Wong, M.D.

Dr. Wong is a licensed physician and is board certified in internal medicine, allergy, and immunology. Dr. Wong is currently an Assistant Professor of Medicine at Harvard Medical School and an Associate Physician at Massachusetts General Hospital. He received a bachelor's degree in Chemistry from the California Institute of Technology and an M.D. from the University of California at San Francisco Medical School. He has extensive experience in treating patients with allergic and immunologic diseases, including many patients who experience adverse drug reactions.

Clinically, Dr. Wong is the former Training Program Director of the Allergy/Immunology Unit and former co-director of the Allergy/Immunology Clinic at Massachusetts General Hospital. Dr. Wong's laboratory has evaluated many patients who have adverse drug reactions and formulated their treatment plans over the past 24 years. He has been involved in the evaluation and management of hypersensitivity reactions to paclitaxel (Taxol, Abraxane), among other chemotherapeutic drugs. As part of the management, desensitization to the offending drug was often required. Dr. Wong has devised most of the drug desensitization protocols currently in use at Massachusetts General Hospital.

Michael R. Hamrell, Ph.D.

Dr. Hamrell has extensive experience in the areas of bioequivalence, regulatory affairs, and clinical and preclinical drug development. Dr. Hamrell received a bachelor's degree in biochemistry from the University of California, Los Angeles in 1973 and a Ph.D. in pharmacology from the University of Southern California in 1977. He received his Regulatory Affairs Certification from the Regulatory Affairs Professionals Society in 1996. He has authored numerous articles in the fields of pharmacology, drug development, compliance and strategic development and has received awards for research, teaching and professional work.

Dr. Hamrell currently is President of MORIAH Consultants, a professional consulting services firm located in California. In this capacity he provides comprehensive regulatory affairs consulting and training to the pharmaceutical, biotechnological and medical device industries. Dr. Hamrell has over 30 years of experience in basic research, both domestic and international product development, and the pharmaceutical industry, including over 25 years of experience in drug, biologic and medical device regulatory affairs. He was formerly employed with the FDA as a reviewer in the Center for Drug Evaluation & Research, in the Divisions of Antiviral Drug Products, Oncologic Drug Products, and the Division of Bioequivalence. At the FDA Dr. Hamrell participated in numerous preclinical and clinical drug development review projects for generic drugs and drugs for serious and life-threatening illnesses. As an FDA reviewer he also served as primary pharmacology/toxicology reviewer for hundreds of INDs and NDAs for cancer, AIDS and AIDS-related drugs. He reviewed over 200 bioequivalence studies for generic versions of major drug products and proposed and drafted guidelines for bioequivalence study requirements for a number of therapeutic classes.

While at the FDA, Dr. Hamrell also drafted a number of Agency documents and position papers on the issues of bioequivalence and generic drugs. He wrote a major policy paper on the FDA's position on bioequivalence that was published in a peer-reviewed journal, for industry-wide dissemination. He also organized the FDA Bioequivalence Hearing and drafted the landmark Task Force Report on Bioequivalence for the Commissioner's office.

Terry L. Musika

Mr. Musika has worked in the fields of the valuation of intellectual property, the calculation of patent damages, and accounting for more than two decades. He has served as an expert on the valuation of patented technology in numerous contexts, including the calculation of damges in litigation. Mr. Musika has significant experience valuing and providing calculations of reasonable royalties for technology used in industries regulated by the United States Food and Drug Administration, including pharmaceuticals and medical devices. Mr. Musika received a B.S. in 1970 and a Masters of Public Affairs in Public Finance in 1974 from Indiana University. He is a Certified Public Accountant and has served the accounting profession in a variety of roles and responsibilities for over 33 years, including service as a from staff level auditor to National Audit Partner in one of the world's largest international accounting firms. He is currently the Chief Executive Officer of Invotex, a financial and valuation consulting firm.

Mr. Musika has been appointed by both Federal and State Court judges on numerous occasions to provide a broad range of services. Additionally, Mr. Musika has provided expert testimony in over 170 separate proceedings before 45 different federal district courts throughout the United States. He has presented on and has published extensively in the field of intellectual property valuation.

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

EXHIBIT 8
PLAINTIFF'S DEPOSITION DESIGNATIONS
AND
DEFENDANT'S OBJECTIONS AND COUNTER-DESIGNATIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS
AND
PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S OBJECTIONS AND COUNTER-DESIGNATIONS

Plaintiff Elan Pharma International Limited ("Elan") makes the following deposition designations for its case.

Deposition Designations

Elan may present the following witnesses by deposition for its case:

1. Patrick Soon Shiong (page/line designations attached as Exhibit 8-A.)

2. Neil Desai (page/line designations attached as Exhibit 8-B.)

3. Michael Hawkins (page/line designations attached as Exhibit 8-C.)

4. Ulagaraj Selvaraj (page/line designations attached as Exhibit 8-D.)

5. Herbert Lee (page/line designations attached as Exhibit 8-E.)

6. Leslie Louie (page/line designations attached as Exhibit 8-F.)

7. Lianjun Shi (page/line designations attached as Exhibit 8-G.)

8. Dewey H. Barich (page/line designations attached as Exhibit 8-H.)

9. Johnson Tai Wong (page/line designations attached as Exhibit 8-I.)

10. Edmund A. C. Crouch (page/line designations attached as Exhibit 8-J.)

11. Mansoor M. Amiji (page/line designations attached as Exhibit 8-K.)

12. Michael Hamrell (page/line designations attached as Exhibit 8-L)

13. William J. Davis (page/line designations attached as Exhibit 8-M)

Responses and Objections

Defendant Abraxis makes the following objections and counter-designations to Elan's designations of deposition testimony, and Elan makes the following responses and objections:

1. Patrick Soon Shiong (objections, counter-designations, and responses attached as Exhibit 8-AA).

2. Neil Desai (objections, counter-designations, and responses attached as Exhibit 8-BB).

3. Michael Hawkins (objections, counter-designations, and responses attached as Exhibit 8-CC).

4. Ulagaraj Selvaraj (objections, counter-designations, and responses attached as Exhibit 8-DD).

5. Herbert Lee (objections, counter-designations, and responses attached as Exhibit 8-EE).

6. Leslie Louie (objections, counter-designations, and responses attached as Exhibit 8-FF).

7. Lianjun Shi (objections, counter-designations, and responses attached as Exhibit 8-GG).

8. Dewey H. Barich (objections, counter-designations, and responses attached as Exhibit 8-HH).

9. Johnson Tai Wong ((objections, counter-designations, and responses attached as Exhibit 8-II).

10. Edmund A. C. Crouch (objections, counter-designations, and responses attached as Exhibit 8-JJ).

11. Mansoor M. Amiji (objections, counter-designations, and responses attached as Exhibit 8-KK).

12. Michael Hamrell (objections, counter-designations, and responses attached as Exhibit 8-LL.

13. William J. Davis (objections, counter-designations, and responses attached as Exhibit 8-MM).

Elan's General Objections to Abraxis's Counter-Designations

Plaintiff Elan Pharma International Ltd ("Elan") objects to Abraxis's counter-designations as far exceeding the "fairness" requirement of Federal Rule of Civil Procedure 32(a)(4) (providing that "[i]f only part of a deposition is offered in evidence by the party, an adverse party may require the offeror to introduce any other part which *ought in fairness* to be considered with the part introduced" (emphasis added)), and Federal Rule of Evidence 106 (providing "[w]hen a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part . . . or recorded statement which *ought in fairness* to be considered contemporaneously with it" (emphasis added)). Abraxis' counter-designations far exceed any rational interpretation of the Third Circuit's "rule of completeness." *See U.S. v. Noble*, 251 Fed. Appx. 792, 798 (3d Cir. 2007) ("We have interpreted [Federal Rule of Evidence 106] to mean that the remainder of a writing is required to be read 'if it is necessary to (1) explain the admitted portion, (2) place the admitted portion in context, (3) avoid misleading the trier of fact, or (4) insure a fair and impartial understanding.'" (citing *U.S. v. Soures*, 736 F.2d 87, 91 (3d Cir. 1984))).

Evidence of Abraxis' excessive counter-designations, far exceeding any fairness or completeness justification, is apparent based on the sheer volume of deposition testimony Abraxis counter-designated. For example, Abraxis offers 500 lines of counter-designated testimony as "completeness" for these 4 lines of testimony designated by Elan:

> Q - When you had finished lyophilizing the samples, where did you take them to?
>
> A - I told Dr. Berkland that the samples he requested are ready.

See Exhibit 8-GG, Abraxis' Objections and Counter-Designations of Deposition Testimony, Witness: Lianjun Shi (Abraxis' counter designations to Elan's designations of 103:21:23 and 103:25-104:1.)[1] The same 500 lines of counter-designated testimony are offered against numerous portions of Dr. Shi's deposition. Overall, Elan designated 428 lines from Dr. Lianjun Shi's deposition. Abraxis counter-designated 742 lines of Dr. Shi's deposition testimony - almost double Elan's designations.

Abraxis' over designation of deposition testimony is also evidenced by Abraxis' cherry-picking virtually every statement in the deposition that could, arguably, be *remotely* related to Elan's designated portions, even counter designating deposition testimony from as far away as 283 pages. *See* Exhibit 8-AA, Abraxis' Objections and Counter-Designations of Deposition Testimony, Witness: Patrick Soon-Shiong, Abraxis' counter designation of lines 18:22-23 and 8:25-19:22 against Elan's designations at 302:2-15 (The testimony on page 302 is not "redirect" testimony.)

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[1] Abraxis made the following counter-designations to this testimony: 50:24-25; 51:2-6; 53:3-54:2; 54:5-55:11; 56:10-24; 57:25-58:2; 58:4-7; 58:9-17; 58:19-23: 58:25-59:1; 61:3-11; 61:13; 62:10-13; 62:15; 62:21-23; 62:25; 73:1-3; 73:5-7; 73-9; 77:21-78:9; 78:11-12; 78:14 79:10-12; 80:7-8; 80:15-81:13; 81:15-18; 81:23-82:1; 92:1-6; 92:8-14; 92:16-93:2; 93:21-25; 94:1-18; 94:20-95:19; 96:9-97:16; 97:18-98:16; 98:18-23; 98:25-99:8; 100:4-101:23; 102:1-5; 102:7-16; 102:18-103:2; 103:4-8; 109:22-110:2; 110:4-110:13; 110:15; 111:2-3; 111:5-112:2; 112:4-8; 114:9-11; 114:13-25; 115:3-8; 115:10-116:8; 116:10-13; 116:15; 122:6-10; 122:12-16; 124:19-22; 124:24; 125:20-126:2; 126:4-6; 126:8-13; 127:25-128:1; 128:3-13; 128:15-16; 129:9-11; 129:13-17; 129:19; 157:19-21; 157:23.

Elan objects to Abraxis' efforts to introduce deposition testimony that is neither explanatory nor relevant to Elan's designated portions. *See Soures*, 736 F.2d at 91 ("The Rule does not require introduction of portions of a statement that are neither explanatory of nor relevant to the passages that have been admitted.").

Elan further objects to Abraxis' attempts to admit inadmissible testimony under the guise of the "rule of completeness." *See Phoenix Associates III v. Stone*, 60 F.3d 95, 103 (2d Cir. 1995 ("Rule 106 'does not compel admission of otherwise inadmissible hearsay evidence.'" (citing *U.S. Football League v. Nat'l Football League*, 842 F.2d 1335, 1375-76 (2d Cir. 1988))).

Finally, Elan objects to Abraxis' counter designations as a transparent effort to prevent Elan from presenting its case without undue interruption or distractions as permitted by common law and Federal Rule of Evidence 611(b). *See Blue Cross and Blue Shield of New Jersey, Inc.*, 199 F.R.D. 487, 490 (E.D.N.Y. 2001).

EXHIBIT 8-A

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Patrick Soon Shiong

Deposition Designations: Patrick Soon Shiong

BEGIN (page:line)	END (page:line)
7:10	7:13
36:17	37:4
37:7	37:15
59:17	59:19
59:21	59:21
79:3	79:15
79:20	79:22
85:15	86:7
86:9	86:12
86:14	86:17
86:19	86:20
93:1	93:11
93:13	93:16
93:18	93:18
121:6	121:7
121:9	121:15
121:18	122:1
123:11	123:14
124:9	124:24
215:12	215:13
215:21	216:13
216:16	216:23
217:4	217:25
223:20	223:24
224:8	224:14
226:24	228:4
230:5	230:13
234:8	234:13
235:3	235:6
235:13	235:15
235:17	235:17
237:18	238:23
237:25	238:20
238:22	239:14
239:23	239:25
241:7	241:12
264:18	264:22
302:2	302:15
306:4	306:14
306:21	307:7
309:14	309:19
310:4	310:6
338:25	340:10

EXHIBIT 8-AA

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Patrick Soon-Shiong

ELAN'S RESPONSES AND OBJECTIONS TO ABRAXIS' OBJECTIONS AND COUNTER-DESIGNATIONS TO PATRICK SOON SHIONG DEPOSITION DESIGNATIONS

DEPOSITION DESIGNATIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
36:17-37:4			45:7-10; 45:12-21; 74:11-18	• Designated testimony does not need explanation or context. • Proffered testimony found 8 and 37 pages after designated testimony does not further fairness or completeness. • (FRE 701) - Improper lay opinion. (45:7-10, 45:12-21) • (FRE 403) - cumulative • Depo. Obj. at 45:25 - "Move to strike as nonresponsvie."	
37:7-37:15			37:16-19; 37:21-38:5; 38:9-18; 41:13-17; 42:21-22; 42:23-43:5; 45:7-10; 45:12-21; 47:6-9; 47:12-24; 59:17-19; 59:21; 65:8-66:11; 80:21-81:6; 82:6-9; 82:11-19; 82:21-83:6; 83:8; 218:9-219:4	• Designated testimony does not need explanation or context. • Proffered testimony found 4, 5, 8, 10, 22, 28, 43, 45, and 181 pages after designated testimony does not further fairness or completeness. • Objection at 38:6 - "Move to strike as nonresponsvie."	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Objection at 38:19-20 - "Move to strike the nonresponsvie portion." • (FRE 701) - Improper lay opinion (42:21-43:5). • (FRE 701) - Improper lay opinion. (42:21-43:5) • (FRE 701) - Improper lay opinion. (47:6-9, 47:12-24) • Proffered testimony found 45 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Confusion - Counter-designated portion is a question asked by opposing counsel without deponent's response (41:13-17). • (FRE 611) - Vague and ambiguous - Counter-designated portion is a question asked by opposing counsel without deponent's response. (41:13-17) • (FRE 402) - Relevance - Counter-designated portion is a question asked by opposing counsel without deponent's response. (41:13-17). • (FRE 403) - cumulative • (FRE 401) - Relevance - Proffered testimony concerns identification	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				of an exhibit not referenced in the designated portion against which offered. (59:17-19, 59:21) • Depo. Obj. at 66:12 - "Move to strike as nonresponsvie." • (FRE 802) - Hearsay within Hearsay (66:5-11) • (FRE 701) - Improper lay opinion. (80:21-81:6) • Depo. Obj. at 81:7 - "Move to strike as nonresponsvie." • (FRE 701) - Improper lay opinion; improper legal opinion (218:9-219:4)	
86:9-86:12 86:14-86:17 86:19-86:20			Same counter-designations as for Elan designation 37:7-37:15	• Designated testimony does not need explanation or context. • Testimony found 48, 43, 41, 39, 27, 20, 5 and 3 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 132 pages after designated testimony does not further fairness or completeness. • Objection at 38:6 - "Move to strike as nonresponsvie."	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Objection at 38:19-20 - "Move to strike the nonresponsvie portion." • (FRE 701) Improper lay opinion • (FRE 701) - Improper lay opinion (42:21-43:5). • (FRE 701) - Improper lay opinion. (42:21-43:5) • (FRE 701) - Improper lay opinion. (47:6-9, 47:12-24) • Proffered testimony found 45 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Confusion - Counter-designated portion is a question asked by opposing counsel without deponent's response (41:13-17). • (FRE 611) - Vague and ambiguous - Counter-designated portion is a question asked by opposing counsel without deponent's response. (41:13-17) • (FRE 402) - Relevance - Counter-designated portion is a question asked by opposing counsel without deponent's response. (41:13-17). • (FRE 403) - cumulative	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 401) - Relevance - Proffered testimony concerns identification of an exhibit not referenced in the designated portion against which offered. (59:17-19, 59:21) • Depo. Obj. at 66:12 - "Move to strike as nonresponsvie." • (FRE 802) - Hearsay within Hearsay (66:5-11) • (FRE 701) - Improper lay opinion. (80:21-81:6) • Depo. Obj. at 81:7 - "Move to strike as nonresponsvie." • (FRE 701) - Improper lay opinion; improper legal opinion (218:9-219:4)	
93:1-93:11 93:13-93:16 93:18-93:18			88:14-89:19; 90:8-12; 91:3-13; 91:20-22; 91:24-92:7; 92:9-11; 93:1-6; 93:20-95:25; 97:18-23; 137:9-138:1	• Designated testimony does not need explanation or context. • Proffered testimony found 4, 3 and 2 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Cumulative • Counter-designation of the same portion of the testimony against which its s proffered does not further the "rule of completeness"	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				or fairness. (93:1-6) • Proffered testimony found 4 pages after designated testimony does not further fairness or completeness.	
121:9-121:15			120:12-14; 120:16; 120:19-121:5; 278:16-279:2; 282:16-17; 282:19-283:13; 284:17-285:25	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative • Proffered testimony found 156, 160 and 163 pages after designated testimony does not further fairness or completeness.	
121:18-122:1			Same counter-designations as for Elan designation 121:9-121:15	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative • Proffered testimony found 156, 160 and 163 pages after designated testimony does not further fairness or completeness.	
124:9-124:24			123:15-22; 123:24-124:2; 124:4-7	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
216:16-216:23	Vague and ambiguous, (FRE 403) (216:22-23; 217:4-6)			• Prior designated testimony provides clarity and context to designated portion. • Probative value of testimony regarding Abraxis' knowledge of patent-in-suit outweighs prejudicial, confusing, or misleading effect.	
217:4-217:25	Vague and ambiguous, (FRE 403) (216:22-23; 217:4-6)			• Prior designated testimony provides clarity and context to designated portion. • Probative value of testimony regarding Abraxis' knowledge of patent-in-suit outweighs prejudicial, confusing, or misleading effect.	
217:4-217:25			241:13-18; 241:21-242:6; 242:12-16; 242:20-243:8	• Designated testimony does not need explanation or context. • Proffered testimony found 24 and 25 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 243:9 - "Move to strike as nonresponsvie." • Depo. Obj. at 242:7 - "Move to strike as nonresponsvie."	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
224:8-224:14			218:9-219:4; 230:14-231:2	• Designated testimony does not need explanation or context. • Proffered testimony found 6 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 6 pages after designated testimony does not further fairness or completeness.	
226:24-228:4			218:9-219:4	• Designated testimony does not need explanation or context. • Proffered testimony found 8 pagers before designated testimony does not further fairness or completeness.	
230:5-230:13			Same counter-designations as for Elan designation 226:24-228:4	• Designated testimony does not need explanation or context. • Proffered testimony found 11 pagers before designated testimony does not further fairness or completeness.	
234:8-234:13			Same counter-designations as for Elan designation	• Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			226:24-228:4	• Proffered testimony found 15 pages before designated testimony does not further fairness or completeness. • Proffered testimony is not relevant to designated portion.	
235:3-235:6			Same counter-designations as for Elan designation 226:24-228:4	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	
235:17-235:17			235:19-236:5; 236:17-19; 236:23-237:4; 237:6-17	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	
237:18-238:23			Same counter-designations as for Elan designation 235:17-235:17	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	
237:25-238:20			Same counter-designations as for Elan designation 235:17-235:17	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	
238:22-			239:15-22	• Designated testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
239:14				need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) Cumulative	
239:23-239:25			240:1-241:6	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative	
264:18-264:22			263:15-264:17; 264:25-265:17	• Designated testimony does not need explanation or context. • (FRE 801) - Hearsay within Hearsay • Depo. Obj. at 265:18 - "Move to strike a[s] nonresponsvie."	
302:2-302:15			18:22-23; 18:25-19:22; 140:19-141:14; 300:22-301:11; 301:18-24; 303:14-15; 303:18; 303:20-25	• Designated testimony does not need explanation or context. • Proffered testimony found 161 and 283 pages before designated testimony does not further fairness or completeness. • (FRE 403) Cumulative	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
338:25-340:10	Irrelevant, FRE 403			• (FRE 104(b)) conditional relevancy; reserved for Elan's rebuttal case	

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EXHIBIT 8-B

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Neil Desai

Deposition Designations: Neil Desai

BEGIN (page:line)	END (page:line)
9:3	9:6
11:17	11:18
12:10	12:11
14:21	16:3
16:23	17:11
17:19	17:23
26:5	26:8
26:21	26:24
28:24	29:2
31:19	31:19
33:20	34:4
39:2	39:5
39:9	39:15
41:21	41:24
42:15	42:23
43:01	43:21
45:14	45:19
46:13	46:15
46:20	47:16
48:11	48:19
50:6	50:8
50:10	50:10
50:19	50:23
51:5	51:7
52:12	52:22
53:10	53:19
54:14	55:02
56:9	56:18
56:20	56:21
82:14	82:16
82:25	83:13
103:14	103:15
103:21	104:01
105:7	105:11
105:13	105:13
106:11	106:14
106:22	106:24
107:10	107:11
107:13	107:13
108:7	108:12
108:18	108:22
108:25	109:7
110:2	110:21
111:23	111:25
112:22	112:24
113:1	113:3
113:5	113:9
121:25	122:07
122:15	123:04
128:16	129:2

133:17	133:20
136:11	136:11
147:2	147:6
148:1	148:4
148:9	148:14
148:16	148:22
149:14	149:17
150:3	150:6
151:16	151:21
152:23	153:5
153:9	153:11
156:7	156:9
156:15	156:16
157:5	157:8
157:13	157:23
158:11	158:15
158:17	158:20
164:12	164:19
179:2	179:7
179:9	179:16
179:18	179:19
180:3	180:7
184:20	185:10
185:12	185:13
187:21	187:24
188:7	188:14
188:16	188:16
193:10	193:16
194:20	195:9
195:11	195:25
196:9	196:11
197:7	197:16
197:17	197:23
198:7	198:9
198:23	199:2
201:2	201:9
203:8	203:10
203:13	203:19
203:20	204:2
204:9	204:16
209:2	209:7
212:14	212:23
213:17	213:23
219:5	219:12
221:11	222:8
223:4	223:5
223:14	224:7
224:9	224:18
226:3	227:4
227:6	227:17
228:15	228:17
228:19	228:19
230:12	231:2
231:5	231:7

238:9	238:12
239:7	239:10
259:7	259:10
260:21	260:25
261:7	261:15
261:18	261:25
263:2	263:10
265:25	266:6
271:11	271:13
271:17	271:20
275:5	275:19
276:3	276:12
276:20	276:22
277:1	277:9
277:11	277:18
277:20	277:24
278:1	278:12
308:10	308:20

EXHIBIT 8-BB

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Neil Desai

ELAN'S RESPONSES TO ABRAXIS' OBJECTIONS TO NEIL DESAI DEPOSITION DESIGNATIONS (NOVEMBER 20, 2007)

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
14:21-16:3			53:20-54:7	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 39 pages after designated testimony does not further fairness or completeness.	
16:23-17:11			16:4-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) - Needless presentation of cumulative evidence.	
26:5-26:8			26:2-4	• Designated testimony does not need explanation or context. • Proffered testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				further explain designated testimony.	
33:20-34:4			33:14-19	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
46:13-46:15			47:21-48:3; 48:5-7; 48:20-25; 291:24-292:21; 292:23-25	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 802) - Hearsay within Hearsay (48:20-25) • Depo. Obj. at 292:22 - (FRE 611(a)) - Leading the witness	
46:20-47:16			Same counter-designation as for Elan designation 46:13-46:15	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 802) - Hearsay within Hearsay (48:20-25) • Depo. Obj. at 292:22 - (FRE 611(a)) - Leading the witness	
48:11-48:19			Same counter-designation as for Elan designation 46:13-46:15	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 802) - Hearsay within Hearsay (48:20-25) • Depo. Obj. at 292:22 - (FRE 611(a)) - Leading the witness	
50:10-50:10			293:2-294:2; 294:4-5	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Depo. Obj. at 294:3 - (FRE 611(a)) - Leading the witness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
51:5-51:7			294:11-295:1; 295:4-15	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
52:12-52:22			53:20-54:7	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
108:7-108:12			108:13-17	• (FRE 403) Cumulative - counter designated testimony 108:7-12 is already designated by Elan. • (FRE 802) - Hearsay within Hearsay (108:12-17) • (FRE 611(a)) - Assumes Facts not in evidence • (FRE 602) - Lack of Foundation • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony.	
108:18-108:22			108:7-17	• Designated testimony does not need explanation or context. • (FRE 801) - Hearsay within Hearsay 108:12-17 • (FRE 611(a)) - Assumes Facts not in evidence • (FRE 602) - Lack of Foundation	
108:25-109:7			262:1-11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 154 pages after designated testimony does not further fairness or completeness.	
110:2-110:21			Same counter-designation as for Elan designation 108:25-109:7	• Designated testimony does not need explanation or context. • Proffered testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				further explain designated testimony. • Proffered testimony found 153 pages after designated testimony does not further fairness or completeness.	
111:23-111:25			111:8-16; 112:8-21	• Designated testimony does not need explanation or context.	
113:5-113:9			262:1-9	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 149 pages after designated testimony does not further fairness or completeness. • (FRE 403) - Confusing - Proffered portion only includes an incomplete answer	
121:25-122:07	irrelevant, FRE 403?			• Probative value of Abraxis' selection of which data to provide	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				FDA during approval process and which images to withhold outweighs prejudicial, confusing, or misleading effect. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
128:16-129:2			127:22-128:1; 128:8-15; 129:15-17; 129:19-24; 133:6-16	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 602) - Lack of Personal Knowledge • Proffered testimony found 4 pages after designated testimony does not further fairness or completeness.	
147:2-147:6	FRE 403, subject to motion in limine			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
148:1-148:4	FRE 403, subject to motion in limine			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
148:9-148:14	FRE 403, subject to motion in limine			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of consequence to the determination of the action more likely.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
148:16-148:22	FRE 403, subject to motion in limine			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
158:17-158:20			168:15-21; 168:23-24; 169:4-14; 169:15-16; 169:19; 169:23-25; 176:7-11; 177:6-12	• Designated testimony does not need explanation or context. • Proffered testimony found 10 and 18 pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony. • (FRE 403) - Confusion - proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				portion omits question and only designates answer (169:4-5)	
179:9-179:16 179:18-179:19			176:7-11; 177:6-12	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
180:3-180:7			179:21-180:1; 296:2-297:2; 300:6-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
184:20-185:10	irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis hired former Elan consultant during its development of Abraxane makes the existence of a fact of consequence to the determination of the action more likely.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
184:20-185:10			183:3-184:9; 184:15-19	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
185:12-185:13	irrelevant, confusing, FRE 402 and 403		Same counter-designation as for Elan designation 184:20-185:10	• Evidence that Abraxis hired former Elan consultant during its development of Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect. • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
187:21-	irrelevant,			• Evidence that Abraxis hired	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
187:24	confusing, FRE 402 and 403			former Elan consultant during its development of Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
187:21-187:24			Same counter-designation as for Elan designation 184:20-185:10	• Designated testimony does not need explanation or context. • Proffered testimony found 4 pages before designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
188:7-188:14	irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis hired former Elan consultant during its development of Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
188:7-188:14			Same counter-designation as for Elan designation 184:20-185:10	• Designated testimony does not need explanation or context. • Proffered testimony found 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
188:16-188:16	irrelevant, FRE 403, vague, ambiguous			• Evidence that Abraxis hired former Elan consultant during its development of Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
193:10-193:16			193:17-22; 194:12-18; 198:10-12; 199:3-18	• Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony does not further explain designated testimony. • Proffered testimony found 5 and 6 pages after designated testimony does not further fairness or completeness.	
194:20-195:9	compound, vague, ambiguous (195:2-9)			• Prior designated testimony provides clarity and context to designated portion.	
194:20-195:9			Same counter-designation as for Elan designation 193:10-193:16	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 4 pages after designated testimony does not further fairness or completeness.	
195:11-195:25	compound, vague, ambiguous (195:11-13)			• Prior designated testimony provides clarity and context to designated portion.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
195:11-195:25			193:17-22; 194:12-18; 196:1-8; 198:10-12; 199:3-18; 296:13-297:14; 297:21-24; 300:6-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 4 pages after designated testimony does not further fairness or completeness. • (FRE 403) - Misleading. Only answer is designated without question for context. (297:21-24) • Depo. Obj. at 297:20 - (FRE 611(a)) Leading the witness • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
196:9-196:11			193:17-22; 194:12-18; 195:21-196:8; 198:10-12; 199:3-18; 296:13-297:14; 297:21-24; 300:6-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 3 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Misleading. Only answer is designated without question for context. (297:21-24) • Depo. Obj. at 297:20 - (FRE 611(a) Leading the witness • (FRE 403) - Cumulative Counter designated testimony 195:21-25 is already designated by Elan. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
197:17-197:23			Same counter-designation as for Elan designation 196:9-196:11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 3 and 4 pages before designated testimony does not further fairness or completeness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
198:7-198:9			Same counter-designation as for Elan designation 196:9-196:11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 3, 4 and 5 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
198:23-199:2			Same counter-designation as for Elan designation 196:9-196:11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 3, 4 and 5 pages before designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony does not further fairness or completeness. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
201:2-201:9			Same counter-designation as for Elan designation 196:9-196:11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 3, 6, 7 and 8 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
203:8-203:10	vague, ambiguous		193:17-22; 194:12-18; 195:21-196:8; 198:10-12; 199:3-18; 201:10-15; 201:18-202:21; 203:1-7; 296:13-	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			297:14; 297:21-24; 300:6-22	• Proffered testimony found 4, 5, 8, 9 and 10 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Misleading. Only answer is designated without question for context. (297:21-24) • Depo. Obj. at 297:20 - (FRE 611(a)) Leading the witness • (FRE 403) - Cumulative Counter designated testimony 195:21-25 is already designated by Elan. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
203:13-203:19	vague, ambiguous (203:13-14)		Same counter-designation as for Elan designation 203:8-203:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 10 pages before designated testimony does not further fairness or completeness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
203:20-204:2			Same counter-designation as for Elan designation 203:8-203:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 10 pages before designated testimony does not further fairness or completeness.	
204:9-204:16			193:17-22; 194:12-18; 195:21-196:8; 198:10-12; 199:3-18; 201:10-15; 201:18-202:21; 203:1-7; 204:3-8; 204:17-23; 296:13-297:14; 297:21-24; 300:6-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 5, 6, 9 and 11 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Misleading. Only answer is designated without question for context. (297:21-24) • Depo. Obj. at 297:20 - (FRE 611(a)) Leading the witness	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 403) - Cumulative Counter designated testimony 195:21-25 is already designated by Elan. • (FRE 403) - Proffered testimony regarding deposition exhibit 29 (300:6-22) is offered against unrelated testimony.	
219:5-219:12			195:21-196:8; 198:10-12; 198:18-22; 219:16-220:3;	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 21 and 24 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Proffered testimony regarding deposition exhibit 28 (198:18-22) is offered against testimony regarding deposition exhibit 29. • (FRE 403) - Proffered testimony regarding deposition exhibit 28 (198:10-12) is offered against testimony regarding deposition exhibit 29.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 403) - Proffered testimony regarding deposition exhibit 28 is offered against testimony regarding deposition exhibit 29 (195:21-196:8). • (FRE 403) - Cumulative Counter designated testimony 195:21-25 is already designated by Elan.	
221:11-222:8			195:21-196:8; 198:10-12; 198:18-22; 219:16-220:3; 296:13-297:14; 297:21-24; 300:6-22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 23 and 26 pages before designated testimony does not further fairness or completeness. • (FRE 403) - Proffered testimony regarding deposition exhibit 28 (198:18-22) is offered against testimony regarding deposition exhibit 29. • (FRE 403) - Proffered testimony regarding deposition exhibit 28 (198:10-12) is offered against testimony regarding deposition	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				exhibit 29. • (FRE 602, 701) - Lack of Personal Knowledge; Speculation • (FRE 403) - Proffered testimony regarding deposition exhibit 28 (195:21-196:8) is offered against testimony regarding deposition exhibit 29. • (FRE 403) - Misleading. Only answer is designated without question for context. (297:21-24) • Depo. Obj. at 297:20 - (FRE 611(a) Leading the witness • (FRE 403) - Cumulative Counter designated testimony 195:21-25 is already designated by Elan.	
223:14-224:7	vague, ambiguous (224:4-7) –		294:7-295:1; 295:5-15	• Prior designated testimony provides clarity and context to designated portion. • Depo. Obj. at 295:2 - (FRE 611(a)) - Assumes Facts not in evidence; leading the witness	
224:9-224:18	vague, ambiguous		Same counter-designation as for	• Prior designated testimony provides clarity and context to	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
	(224:9-11)		Elan designation 223:14-224:7	designated portion. • Depo. Obj. at 295:2 - (FRE 611(a)) - Assumes Facts not in evidence; leading the witness	
226:3-227:4			227:18-22; 228:9; 294:7-295:1; 295:5-15	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) - Needless presentation of cumulative evidence. • (FRE 403) - Confusion - Designated portion is not complete; answer at 228:9 is given without question for context.	
227:6-227:17			Same counter-designation as for Elan designation 226:3-227:4	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
228:15-	vague, ambiguous		228:21-229:4	• Prior designated testimony provides clarity and context to	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
228:17				designated portion.	
228:19-228:19	vague, ambiguous		Same counter-designation as for Elan designation 228:15-228:17	• Prior designated testimony provides clarity and context to designated portion.	
230:12-231:2			111:8-16; 112:8-21	• Designated testimony does not need explanation or context. • Proffered testimony found 118 and 119 pages before designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
259:7-259:10			262:1-11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
260:21-260:25			Same counter-designation as for Elan designation	• Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			259:7-259:10	• Proffered testimony does not further explain designated testimony.	
261:7-261:15			Same counter-designation as for Elan designation 259:7-259:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
261:18-261:25			Same counter-designation as for Elan designation 259:7-259:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
263:2-263:10			Same counter-designation as for Elan designation 259:7-259:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
265:25-266:6	FRE 403			• Probative value of Abraxis' representations to FDA outweighs	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				prejudicial, confusing, or misleading effect.	
265:25-266:6			Same counter-designation as for Elan designation 259:7-259:10	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 3 pages before designated testimony does not further fairness or completeness.	
271:11-271:13	FRE 403			• Probative value of Abraxis' representations to FDA outweighs prejudicial, confusing, or misleading effect.	
271:11-271:13			274:23-275:4	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
271:17-271:20	FRE 403			• Probative value of Abraxis' representations to FDA outweighs prejudicial, confusing, or misleading effect.	
271:17-271:20			262:1-11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 9 pages before designated testimony does not further fairness or completeness.	
275:5-275:19	FRE 403			• Probative value of Abraxis' FDA submissions and Abraxis' cryo-TEM images outweighs prejudicial, confusing, or misleading effect.	
275:5-275:19			Same counter-designation as for Elan designation 271:17-271:20	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 13 pages before designated testimony does not further fairness or completeness.	
276:3-276:12	FRE 403			• Probative value of Abraxis' FDA submissions and Abraxis' cryo-TEM images outweighs prejudicial, confusing, or misleading effect.	
276:3-276:12			276:13; 276:15-19; 276:23-25	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
276:20-276:22	FRE 403			• Probative value of Abraxis' cryo-TEM images outweighs prejudicial, confusing, or misleading effect.	
276:20-276:22			Same counter-designation as for Elan designation 276:3-276:12	• Designated testimony does not need explanation or context. • Proffered testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				further explain designated testimony.	
277:11-277:18	FRE 403			• Probative value of Abraxis' cryo-TEM images outweighs prejudicial, confusing, or misleading effect.	
277:20-277:24	FRE 403			• Probative value of Abraxis' cryo-TEM images outweighs prejudicial, confusing, or misleading effect.	
278:1-278:12	FRE 403			• Probative value of Abraxis' FDA submissions outweighs prejudicial, confusing, or misleading effect.	
308:10-308:20	FRE 403			• Probative value of Abraxis' FDA submissions outweighs prejudicial, confusing, or misleading effect.	
308:10-308:20			309:25-310:22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony.	

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EXHIBIT 8-C

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Michael Hawkins

Deposition Designations: Michael Hawkins (July 6, 2007)

BEGIN (page:line)	END (page:line)
9:18	9:22
10:2	10:6
47:5	48:2
48:16	49:1
49:14	49:16
70:13	71:15
73:5	73:13
79:20	80:24
104:17	104:19
104:21	104:23
108:20	109:7
109:9	109:23
112:15	112:19
112:23	113:11
113:15	113:23
114:14	115:10
115:25	116:5
117.5	117:7
117:25	118:10
119:5	119:10
125:24	126:6
126:9	127:6
127:8	127:12
127:24	128:4
128:18	128:21
134:24	135:8
141:15	142:16
142:18	143:2
143:4	143:4
182:5	182:18
183:7	183:17
185:22	186:9
186:17	187:8
188:23	189:1

EXHIBIT 8-CC

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Michael Hawkins

ELAN'S RESPONSES TO ABRAXIS OBJECTIONS TO MICHAEL HAWKINS DEPOSITION DESIGNATIONS (JULY 6, 2007)

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
9:18-9:22			9:23-10:1; 21:1-3	• Designated testimony does not need explanation or context. • Proffered testimony found 12 pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
48:16-49:1			49:2-5; 49:7-9	• Designated testimony does not need explanation or context. • (FRE 403) - Cumulative	
49:14-49:16			Same counter-designation as for Elan designation 48:16-49:1	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
73:5-73:13			70:13-71:15	• Designated testimony does not need explanation or context. • (FRE 403) - Cumulative Counter designated testimony 70:13-71:15 s already designated by Elan.	
104:17-104:19	Vague, ambiguous, lack of foundation, FRE 403			• Prior designated testimony provides clarity and context. • Designated testimony, including 47:5-48:2, provides foundation. • Goes to credibility of witness. • Probative value outweighs prejudicial, confusing, or misleading effect.	
104:21-104:23	Vague, ambiguous, lack of foundation, FRE 403			• Prior designated testimony provides clarity and context. • Designated testimony, including 47:5-48:2, provides foundation. • Goes to credibility of witness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value outweighs prejudicial, confusing, or misleading effect.	
104:21-104:23	Vague, ambiguous, lack of foundation, FRE 403		110:20-23	• Proffered testimony is not relevant to designated portion. • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 6 pages after designated testimony does not further fairness or completeness.	
108:20-109:7	Subject to motion in limine, irrelevant, FRE 402 and 403			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of consequence to the determination of	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
108:20-109:7			Same counter-designation as for Elan designation 104:21-104:23	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
109:9-109:23	Subject to motion in limine, irrelevant, FRE 402 and 403			• Motion in limine will be addressed in Elan's response to Abraxis' motion in limine. • Evidence that FDA does not accept Abraxis' representation that paclitaxel in Abraxane amorphous make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
112:15-112:19	Irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis' representations to FDA regarding paclitaxel in Abraxane make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
112:15-112:19			111:7-21	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
112:23-113:11	Irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis' representations to FDA regarding paclitaxel in Abraxane make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				outweighs prejudicial, confusing, or misleading effect.	
112:23-113:11			Same counter-designation as for Elan designation 112:15-112:19	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
113:15-113:23	Irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis' representations to FDA regarding paclitaxel in Abraxane make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
113:15-113:23			Same counter-designation as for Elan designation 112:15-112:19	• Designated testimony does not need explanation or context. • Proffered testimony is not relevant to designated portion. • Proffered testimony does not further explain designated testimony.	
114:14-115:10	Irrelevant, confusing, FRE 402 and 403			• Evidence that Abraxis' representations to FDA regarding paclitaxel in Abraxane make the existence of a fact of consequence to the determination of the action more likely.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
114:14-115:10			Same counter-designation as for Elan designation 112:15-112:19	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
126:9-127:6	Irrelevant, confusing, FRE 402 and 403			• Evidence of Abraxis' public statements regarding composition of Abraxane make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
127:8-127:12			127:20-23	• Designated testimony does not need explanation or context. • Proffered testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				further explain designated testimony.	
127:24-128:4			128:5-17	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
128:18-128:21			128:22-129:12	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
182:5-182:18			182:19-183:6	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
183:7-183:17			183:18-25	• Designated testimony does not need explanation or context.	
185:22-186:9	Irrelevant, confusing, FRE 402 and 403			• Goes to credibility of witness. • Probative value outweighs prejudicial, confusing, or misleading effect.	
186:17-187:8			187:13-21	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony is not relevant to designated portion.	
188:23-189:1	Irrelevant, confusing, FRE 402 and 403			• Goes to credibility of witness. • Probative value outweighs prejudicial, confusing, or misleading effect.	

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EXHIBIT 8-D

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Ulagaraj Selvaraj

Deposition Designations: Ulagaraj Selvaraj (July 27, 2007)

BEGIN (page:line)	END (page:line)
8:2	8:13
9:3	9:15
12:22	13:4
24:19	24:25
27:5	27:16
28:22	29:1
29:19	29:21
30:20	31:4
31:7	31:12
31:20	31:23
32:4	32:9
59:3	59:20
59:23	60:7
60:11	60:14
60:18	60:21
60:25	61:11
98:21	100:3
109:24	110:13
110:18	110:18
110:25	111:5
111:7	111:9
112:9	112:14
119:24	120:13
125:16	125:18
125:20	126:2
126:5	126:9
126:11	126:12
126:14	126:14
126:16	126:19
126:21	126:25
129:19	129:23
130:6	130:14
132:20	133:5
136:7	136:9
136:13	137:4
137:9	137:12
137:15	137:23
137:25	138:8
138:10	138:13
141:1	141:2
141:4	141:14
141:16	141:17
141:25	142:4
144:11	144:12
144:14	144:24
158:8	158:17
161:14	162:5
169:25	170:12
171:3	171:5
171:20	172:4

175:10	176:19
177:11	178:7
180:5	180:10
180:17	181:8
181:18	181:23
181:25	182:16
187:17	187:23
188:5	188:11
190:9	190:12
192:8	192:9
192:11	192:19
192:21	192:21
198:6	199:7
199:10	199:25
200:2	200:3
206:16	207:4
207:6	207:17
207:19	207:22
207:24	208:1
209:21	209:25
210:2	210:4

EXHIBIT 8-DD

TO PRETRIAL ORDER

Abraxis's Objections and Counter Designations of Deposition Testimony

Witness: Ulagaraj Selvaraj

ELAN'S OBJECTIONS TO ABRAXIS COUNTER-DESIGNATIONS TO ULAGARAJ SELVARAJ DEPOSITION DESIGNATIONS (JULY 27, 2007)

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
9:3-9:15			9:16-11:8; 11:11-12:21	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) Cumulative	
12:22-13:4			13:5-14; 13:20-14:4; 16:5-13	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
24:19-24:25			22:2-20; 24:1-19; 40:13-19; 40:21-41:5	• Proffered testimony found 16 pages after designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
27:5-27:16			12:22-13:4; 13:20-14:4; 16:5-13; 25:1-15; 27:1-4	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 15, 13, and 11 pages before designated testimony does not further fairness or completeness. • (FRE 403) Cumulative Counter designated testimony 12:22-13:4 is already designated by Elan.	
28:22-29:1			13:5-14; 13:20-14:4, 16:5-13	• Designated testimony does not need explanation or context. • Proffered testimony found 15, 14, and 12 pages before designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
29:19-29:21			29:22-24; 30:1-5	• Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
30:20-31:4			30:11-15	• Designated testimony does not need explanation or context.	
31:20-31:23			31:13-18; 33:24-34:11	**Elan inadvertently omitted line 31:19 from its designations. Elan's designations have been amended to include 31:19.** • Designated testimony does not need explanation or context.	
32:4-32:9			Same counter-designation as for Elan designation 31:20-31:23	• Designated testimony does not need explanation or context.	
59:3-59:20			58:15-18; 58:22-23; 58:25-59:2; 139:15-16; 139:18-19; 139:24-25; 140:2-3; 140:5-13	• Proffered testimony found 80 pages after designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context.	
59:23-60:7			139:15-16; 139:18-19; 139:24-25;	• Proffered testimony found 80 pages after designated testimony does not further fairness or	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			140:2-3; 140:5-13	completeness. • Designated testimony does not need explanation or context.	
60:11-60:14 60:18-60:21			60:22-24; 61:15-21; 62:4-21; 63:8-11	• Designated testimony does not need explanation or context.	
109:24-110:13	vague, ambiguous, (110:12-13), irrelevant, FRE 403			• Evidence of Abraxis' knowledge of paclitaxel's properties makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
110:18-110:18	vague, ambiguous, (110:18), irrelevant, FRE 403			• Evidence of Abraxis' knowledge of paclitaxel's properties makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
110:25-111:5	vague, ambiguous, irrelevant, FRE 403			• Evidence of Abraxis' knowledge of paclitaxel's properties makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
111:7-111:9	vague, ambiguous, irrelevant, confusing, FRE 403			• Evidence of Abraxis' knowledge of paclitaxel's properties makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
112:9-112:14	irrelevant, FRE 403			• Evidence of Abraxis' knowledge of paclitaxel's properties makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
119:24-120:13	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
119:24-120:13			125:3-8	• Proffered testimony found 5 pages after designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context.	
125:16-125:18	irrelevant, FRE			• Evidence of Abraxis' understanding of crystallinity	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
	403			makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
125:16-125:18			125:3-15	• Designated testimony does not need explanation or context.	
125:20-126:2	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
126:5-126:9	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
126:11-126:12	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
126:14-126:14	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
126:16-126:19	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
126:21-126:25	irrelevant, FRE 403			• Evidence of Abraxis' understanding of crystallinity makes the existence of a fact of consequence to the determination	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
132:20-133:5	Secret Abraxane Manufacturing Information			• Secret Abraxane Manufacturing Information provides to basis at law to exclude evidence	
136:7-136:9	vague, ambiguous, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
136:7-136:9			136:11	**Elan's Designations have been amended to include this portion.**	
136:13-137:4	vague and ambiguous antecedent basis, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
137:9-137:12	vague and ambiguous antecedent basis, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
137:15-137:23	vague and ambiguous antecedent basis, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
137:25-138:8				• Designated testimony does not need explanation or context.	
138:10-138:13				• Designated testimony does not need explanation or context.	
141:1-141:2	vague, ambiguous, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
141:4-141:14	vague, ambiguous, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect	
141:4-141:14			186:6-9; 186:11-15	• Designated testimony does not need explanation or context. • Proffered testimony found 45 pages after designated testimony does not further fairness or completeness.	
141:16-141:17	vague, ambiguous, FRE 403			• Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • Prior designated testimony provides clarity and context to designated portion. • Probative value of this evidence outweighs prejudicial, confusing,	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				or misleading effect.	
141:16-141:17			186:6-9; 186:11-15	• Designated testimony does not need explanation or context. • Proffered testimony found 45 pages after designated testimony does not further fairness or completeness.	
141:25-142:4	vague and ambiguous antecedent basis, FRE 403			Evidence Abraxis possessed knowledge about Elan's patents during the time Abraxis' was developing Abraxane makes the existence of a fact of consequence to the determination of the action more likely. • No objection made during deposition to preserve "vague and ambiguous" objection. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	
141:25-142:4			142:5-16; 186:6-9; 186:11-15	• Designated testimony does not need explanation or context. • Proffered testimony found 44 pages after designated testimony does not further fairness or completeness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
144:14-144:24			138:15-139:4; 143:13-15; 143:17-144:5	• Designated testimony does not need explanation or context. • Proffered testimony found 5 pages before designated testimony does not further fairness or completeness.	
158:8-158:17			157:11-158:7; 158:18-25	• Designated testimony does not need explanation or context.	
161:14-162:5			145:7-12; 145:21-25; 147:5-22; 147:23-25; 148:2-6; 148:18-149:11; 149:13-23; 150:6-11; 151:2-9; 151:13-152:18; 153:6-19; 183:17-25	• Designated testimony does not need explanation or context. • Proffered testimony found 16, 13, 11, 9, and 8 pages before designated testimony does not further fairness or completeness.	
169:25-170:12			Same counter-designation as for Elan designation 161:14-162:5	• Designated testimony does not need explanation or context. • Proffered testimony found 24, 21, 20, 19, 17 and16 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 13 amd	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				21 pages after designated testimony does not further fairness or completeness.	
171:3-171:5			Same counter-designation as for Elan designation 161:14-162:5	• Designated testimony does not need explanation or context. • Proffered testimony found 26, 23, 21, 19 and 18 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 12 pages after designated testimony does not further fairness or completeness.	
177:11-178:7			145:7-12; 145:21-25; 147:5-22; 147:23-25; 148:2-6; 148:18-149:11; 149:13-23; 150:6-11; 151:2-9; 151:13-152:18; 153:6-19; 183:17-25; 176:24-177:7; 179:3-9	• Designated testimony does not need explanation or context. • Proffered testimony found 32, 29, 28 27, 25, and 24 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 5 pages after designated testimony does not further fairness or completeness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
180:17-181:8			181:9-11; 181:13-16	• Designated testimony does not need explanation or context.	
181:25-182:16			176:24-177:7; 177:25-178:7; 182:20-22; 182:24-183:1; 185:21-186:5; 188:12-15; 188:17-25; 189:6-11; 189:14-17; 190:14-17; 190:22-191:2; 191:19-23; 191:25-192:7	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 4 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 6, 7, 9 and 10 pages after designated testimony does not further fairness or completeness.	
187:17-187:23			187:24-188:4	• Designated testimony does not need explanation or context.	
188:5-188:11			177:3-7; 177:25-178:7; 182:20-22; 182:24-183:1; 185:21-186:5; 188:12-15; 188:17-25; 189:6-11; 189:14-17; 190:14-17; 190:22-191:2;	• Designated testimony does not need explanation or context. • Proffered testimony found 11, 10, and 5 pages before designated testimony does not further fairness or completeness.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			191:19-23; 191:25-192:7		
190:9-190:12			Same counter-designation as for Elan designation 188:5-188:11	• Designated testimony does not need explanation or context. • Proffered testimony found 13, 12, 8 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony.	
192:8-9 192:11-19 192:21-192:21			177:3-7; 177:25-178:7; 182:20-22; 182:24-183:1; 185:21-186:5; 188:12-15; 188:17-25; 189:6-11; 189:14-17; 190:14-17; 190:22-191:2; 191:19-23; 191:25-192:7	• Proffered testimony found 15, 14, 9, 6, 4 and 3 pages before designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context.	
200:2-200:3			200:5-8; 200:10-16	• Designated testimony does not need explanation or context.	
207:19-207:22			206:21-207:4; 207:6-7	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative Counter designated testimony 206:21-	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				207:4 and 207:6-7 is already designated by Elan.	
210:2-210:4	Irrelevant, attorney colloquy, (FRE 403) (210:3-4)			<u>As to 210:2</u> • Evidence regarding Abraxis' representations to FDA regarding paclitaxel in Abraxane make the existence of a fact of consequence to the determination of the action more likely. • Probative value of this evidence outweighs prejudicial, confusing, or misleading effect.	

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EXHIBIT 8-E

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Herbert Lee

Deposition Designations: Herbert Lee

BEGIN (page:line)	END (page:line)
9:23	10:7
11:5	11:15
11:20	11:24
12:13	12:16
12:21	13:1
13:4	13:13
14:1	14:14
28:3	28:13
29:2	29:16
29:18	30:4
30:19	30:24
31:2	31:11
34:5	34:12
34:14	34:14
57:21	58:18
59:10	59:14
59:18	60:5
64:9	64:15
64:18	66:5
66:22	66:25
71:10	71:22
71:25	72:4
73:17	73:21
73:23	74:9
74:16	74:20
75:2	75:11
75:18	75:22
75:25	76:19
77:19	77:20
78:8	78:22
78:24	78:24
128:23	129:10
129:12	129:12
129:19	129:25
130:2	130:3
131:15	131:22

EXHIBIT 19-EE

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Herbert Lee

ELAN'S RESPONSES AND OBJECTIONS TO ABRAXIS OBJECTIONS AND COUNTER-DESIGNATIONS TO HERBERT LEE DEPOSITION (MEDCOM 30(B)(6)) DESIGNATIONS JULY 26, 2007

Abraxis objects to all of Elan's deposition designations of the Medcom Rule 30(b)(6) deposition by Herbert Lee as irrelevant and confusing and therefore barred under FRE 402 and 403.

Elan's Response

Herbert Lee's testimony is relevant to Elan's claim of induced infringement. The probative value of this testimony outweighs its prejudicial, confusing, or misleading effect.

Abraxis has not offered any counter-designations for Elan's designated portions of Herbert Lee's testimony.

EXHIBIT 8-F

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Leslie Louie

Deposition Designations: Leslie Louie

BEGIN (page:line)	END (page:line)
7:13	7:15
15:17	16:11
18:2	18:15
32:4	32:22
57:11	57:14
58:10	58:13
58:15	58:17
60:13	61:6
79:25	80:4
81:3	81:24
82:15	82:19
84:5	84:8
84:10	84:12
84:14	84:14
85:11	85:12
85:14	85:15
85:20	85:24
87:13	87:19
88:16	88:18
88:22	88:23
88:25	89:1
89:13	89:15
89:17	89:20
89:22	89:22
94:1	94:8
94:12	94:16
94:19	94:20
94:23	95:1
95:4	95:8
95:11	95:11
95:13	95:14
124:21	124:23
124:25	125:25
125:16	125:17
125:19	125:20
127:21	127:24
128:7	128:9
128:11	128:11
135:15	135:18
135:20	135:25
136:2	136:4
136:6	136:10

139:10	139:11
139:13	139:13
139:15	139:16
155:20	155:19
184:13	184:23
184:25	185:5
185:7	185:11
185:13	185:16
185:18	185:18
185:20	185:21
185:23	186:1
186:3	186:3
186:14	186:15
186:17	186:22
186:24	186:25
189:24	189:25
190:2	190:25
191:5	191:7
191:9	191:15
191:17	191:17
192:13	192:16
192:18	192:18
195:25	196:1
196:4	196:4
210:20	212:9

EXHIBIT 19-FF

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Leslie Louie

ELAN'S OBJECTIONS TO ABRAXIS COUNTER-DESIGNATIONS TO LESLIE LOUIE DEPOSITION DESIGNATIONS
JULY 26, 2007

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
82:15-82:19	Irrelevant, FRE 402 and 403			• Testimony provides foundation for subsequent designated testimony. • Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
84:5-84:8	Irrelevant, FRE 402 and 403			• Testimony provides foundation for subsequent designated testimony. • Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
84:10-84:12	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
84:14-84:14	Irrelevant, FRE 402 and 403			• Testimony provides foundation for subsequent designated testimony. • Probative value outweighs prejudicial, confusing, or misleading effect. • Prior designated testimony provides clarity and context to designated portion.	
85:11-85:12	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect..	
85:14-85:15	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect..	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
85:20-85:24	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
85:20-85:24			85:17-24 87:7-8 87:10-11	• Designated testimony does not need explanation or context.	
87:13-87:19	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
87:13-87:19			87:20 87:22-88:3	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (602) - Lack of Personal Knowledge	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
88:16-88:18	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
88:22-88:23	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
88:25-89:1	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
89:13-89:15	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Probative value outweighs prejudicial, confusing, or misleading effect.	
89:17-89:20	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
89:22-89:22	Irrelevant, FRE 402 and 403			• Evidence regarding Abraxis' development research makes the existence of a fact of consequence to the determination of the action more likely. • Probative value outweighs prejudicial, confusing, or misleading effect.	
95:13-95:14			95:20 95:22	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 403) Cumulative	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
124:21-124:23			124:6-8 124:11-12	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	
128:11-128:11			128:18-21 129:2-5 130:2-4 130:6-7 130:9-11	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 403) cumulative	
136:6-136:10			137:3-6 137:8 137:10-13	• Designated testimony does not need explanation or context.	
139:15-139:16			139:17-18 139:20-21	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	
184:13-184:23			193:15-18	• Proffered testimony found 7, 8, 10, 11, 37,40, 42, and 49 pages after designated testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
184:25-185:5 185:7-185:11 185:13-185:16 185:18-185:18 185:20-185:21 185:23-186:1 186:3-186:3			193:20-194:1 194:25-195:2 195:5-13 195:19-20 195:22-23 196:6-8 197:10 197:16 212:10-12 223:18-21 223:23 226:24-25 227:2-3 227:5-6 227:8 228:6-7 228:10	further fairness or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			228:24-229:2 229:4 234:19-24 235:11-13 235:19-20 235:22-24		
186:14-186:15 186:17-186:22 186:24-186:25			Same counter-designation as for Elan designation 184:13-184:23	• Proffered testimony found 7, 8, 10, 11, 37, 40, 42, and 49 pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	
189:24-189:25 190:2-190:25			Same counter-designation as for Elan designation 184:13-184:23	• Proffered testimony found 4, 6, 8 34, 37, 38, and 45pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				24)	
191:5-191:7 191:9-191:15 191:17-191:17			Same counter-designation as for Elan designation 184:13-184:23	• Proffered testimony found 5, 35, 37 and 44 pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
192:13-192:16 192:18-192:18			Same counter-designation as for Elan designation 184:13-184:23	Offered Against Deposition Designation: 192:13-16; 192:18 • Proffered testimony found 4, 34, 36, and 43 pages after designated testimony does not further fairness or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	
195:25-196:1			Same counter-designation as for Elan designation	• Proffered testimony found 31, 32, 40 and 41 pages after designated testimony does not further fairness	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
196:4-196:4			184:13-184:23	or completeness. • Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	
210:20-212:9			Same counter-designation as for Elan designation 184:13-184:23	• Proffered testimony found 17 pages after designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (193:20-194:1) • (FRE 402) - Judge Sleet's PTO fn.6 - Attorney colloquy (196:6-8) • (FRE 402, 403) - Counter-designated portion is a question asked by opposing counsel without deponent's response. • (FRE 402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	

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EXHIBIT 8-G

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: **Lianjun Shi**

Deposition Designations: Lianjun Shi

BEGIN (page:line)	END (page:line)
11:5	11:7
11:17	11:21
13:15	13:16
13:18	13:21
14:16	14:23
15:25	16:1
16:3	16:9
17:5	17:6
17:12	17:13
24:19	24:21
24:23	24:24
31:13	31:14
31:16	32:7
32:9	32:15
32:17	32:21
39:24	40:1
40:6	40:23
41:3	41:5
41:10	41:12
41:14	41:16
41:21	41:25
42:17	42:24
43:8	43:13
43:15	43:16
44:1	44:3
44:5	44:7
44:16	44:21
44:23	45:3
49:21	49:24
50:1	50:10
50:12	50:17
63:1	63:13
65:8	65:11
65:15	65:17
66:20	66:21
66:23	67:7
67:9	67:21
78:15	78:16
78:18	79:9
80:7	80:8
80:10	80:12
80:14	80:19
81:1	81:13
81:15	81:21
81:23	82:1
83:5	83:10
88:2	88:4
88:6	88:17
89:5	89:11

89:13	89:15
92:13	92:14
92:16	92:22
93:21	94:17
97:2	97:12
97:25	98:8
103:21	103:23
103:25	104:1
108:24	108:25
109:2	109:3
109:7	109:21
110:16	110:19
110:21	111:1
124:25	125:1
125:3	125:19
135:9	135:12
135:14	135:16
145:12	145:14
145:16	146:1
146:5	146:7
147:23	147:24
148:1	148:8
155:2	155:12

EXHIBIT 8-GG

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Lianjun Shi

ELAN'S RESPONSE TO ABRAXIS OBJECTIONS TO LIANJUN SHI DEPOSITION DESIGNATIONS (JANUARY 7, 2008)

During his December 14, 2007 deposition, Elan's expert witness, Dr. Cory Berkland, testified that a post-doctoral student in his laboratory had provided routine assistance in preparing samples to be tested by Elan's expert witness, Dr. Munson. (Depo of Cory Berkland 73:12-74:10 (Dec. 14, 2007)) Abraxis demanded, and was given, an opportunity to depose Dr. Shi on January 7, 2008. Despite Abraxis' full opportunity to discover Dr. Shi's purely routine assistance, it now seeks to exclude Dr. Shi's testimony on grounds that it is "Untimely; violation of discovery obligation; should be in expert report."

Elan identified Dr. Shi as a fact witness on its proposed witness list to the pre-trial order, and provided Abraxis the deposition designations it may use at trial on March 7, 2008. Elan did not designate Dr. Shi as an expert in this proceeding, Dr. Shi has not tendered an expert opinion in this proceeding, nor has Dr. Shi tendered an expert report in this proceeding. To date, Abraxis has made no showing that Dr. Shi is a testifying expert for Elan. Rather, Dr. Shi, as a post-doctoral student in Dr. Berkland's laboratory at the University of Kansas (Depo. of Lianjun Shi 15:25-16:9 (Jan. 7, 2008)), merely assisted in preparing two samples of Abraxane for Dr. Berkland (Depo of Lianjun Shi 50:15-17), for which he was paid $50. (Depo of Lianjun Shi 39:24-40:1; 40:6-7).

In the context of excluding trial testimony from a witness not listed on a parties' pre-trial order (which are not the facts at issue in this case as Elan included Dr. Shi in its pre-trial submission), the Third Circuit weighs four factors when considering a motion to exclude: (1) the prejudice or surprise in fact to the opposing party, (2) the ability of that party to cure the prejudice, (3) the extent of disruption of the orderly and efficient trial of the case, and (4) the bad faith or willfulness of the non-compliant party. *Berroyer v. Hertz*, 672 F.2d 334, 338 (3d Cir. 1982). In this case, (1) Abraxis has not articulated any prejudice to allowing Dr. Shi to testify, (2) Abraxis had ample opportunity to cure any prejudice during its deposition of Dr. Shi on

January 7, 2008, (3) there will be no disruption of trial given Elan's timely inclusion of Dr. Shi's deposition designation in the pre-trial order, and (4) Abraxis can claim no bad faith or willfulness on the part of Elan regarding Dr. Shi's testimony as Elan included Dr. Shi's deposition designation in the pre-trial order.

ELAN'S OBJECTIONS TO ABRAXIS' COUNTER-DESIGNATIONS TO LIANJUN SHI DEPOSITION DESIGNATIONS (JANUARY 7, 2008)

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
11:17-11:21			11:12-16	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	
13:15-13:16			13:11-14	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	
13:18-13:21			13:11-14		
24:19-24:21			21:7-9; 21:11-16; 21:18-22:3; 33:5-6; 33:8-13	• Proffered testimony is not further explanatory of designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Depo Obj. at 21:10 - (611(a)) - Assumes facts not in evidence.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Depo Obj. at 21:17 - (611(a)) - Assumes facts not in evidence. • Proffered testimony found 9 pages after designated testimony does not further fairness or completeness. •	
32:17-32:21			33:5-6; 33:8-13	• Proffered testimony is not further explanatory of designated testimony. • Designated testimony does not need explanation or context.	
42:17-42:24			42:1-16	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	
44:23-45:3			45:4-15; 47:4-20	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
49:21-49:24			50:24-25; 51:2-6; 53:3-54:2; 54:5-55:11; 56:10-24; 57:25-58:2; 58:4-7; 58:9-17; 58:19-23: 58:25-59:1; 61:3-11; 61:13; 62:10-13; 62:15; 62:21-23; 62:25; 73:1-3; 73:5-7; 73-9; 77:21-78:9; 78:11-12; 78:14 79:10-12; 80:7-8; 80:15-81:13; 81:15-18; 81:23-82:1; 92:1-6; 92:8-14; 92:16-93:2; 93:21-25; 94:1-18; 94:20-95:19; 96:9-97:16; 97:18-98:16; 98:18-23; 98:25-99:8; 100:4-101:23; 102:1-5; 102:7-16; 102:18-103:2; 103:4-8; 109:22-110:2; 110:4-110:13; 110:15; 111:2-3; 111:5-112:2; 112:4-8; 114:9-11; 114:13-25; 115:3-8; 115:10-116:8;	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 4, 7, 8, 12, 13, 24, 28, 30, 31, 43, 44, 47, 51, 60, 62, 65, 73, 75, 77, 78, 80, and 108 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • (FRE 403) Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			116:10-13; 116:15; 122:6-10; 122:12-16; 124:19-22; 124:24; 125:20-126:2; 126:4-6; 126:8-13; 127:25-128:1; 128:3-13; 128:15-16; 129:9-11; 129:13-17; 129:19; 157:19-21; 157:23	• (FRE 611(a)) (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation •	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
50:1-50:10 50:12-50:17			Same counter-designation as for Elan designation 49:21-49:24	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 6, 8, 11,12, 23, 27, 29, 30, 42, 43, 46, 50, 59, 61, 64, 72, 74, 76, 77, 79, and 107 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • (FRE 403) Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 611(a)) (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
63:1-63:13			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 5, 7, 8, and 12 pages before designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony does not further fairness or completeness. • Proffered testimony found 10, 14, 16, 17, 29, 30, 33, 37, 46, 48, 51, 59, 61, 62, 64, 66, and 94 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) (112:1-2, 112:4)	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
65:8-65:11 65:15-65:17			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 15, 10, 9, 6, and 4 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 8, 12, 14, 27, 28, 31, 35, 44, 46, 49, 57, 59, 60, 61, 64 and 92 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
66:20-66:21 66:23-67:7 67:9-67:21			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 16, 11, 10, 7, 5 and 4 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 7, 10, 13, 26, 27, 29, 34, 43, 45, 48, 56, 58, 59, 65, and 90pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
78:15-78:16			Same counter-	• Proffered testimony does not further explain designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
78:18-79:9			designation as for Elan designation 49:21-49:24	testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 23, 22, 19, 18, 17, 16 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 9, 14, 15, 18, 22, 31, 33, 36, 44, 47, 49, 51, and 78 pages after before designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE - 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
80:7-80:8 80:10-80:12			Same counter-designation as for Elan designation	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
80:14-80:19			49:21-49:24	testimony. • Proffered testimony found 30, 25, 24, 21, 19, 18, and 7 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 12, 13, 15 16, 20, 29, 31, 34, 42, 45, 47, 49, and 77 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
81:1-81:13 81:15-81:21 81:23-82:1			Same counter-designation as for Elan designation 49:21-49:24	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 31, 26, 25, 22, 20, 19, and 8 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 11, 14, 18, 28, 29, 33, 41, 44, 46, 48, and 75 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
83:5-83:10			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 33, 28, 27, 24, 22, 21, 10, 5, and 4 pages	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				before designated testimony does not further fairness or completeness. • Proffered testimony found 9, 10, 13, 17, 26, 28, 31, 39, 42, 44, 46, and 74 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4)	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
88:2-88:4 88:6-88:17			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 38, 33,32, 29, 27, 26, 15, 10, 9, 8 and 4 pages before designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony does not further fairness or completeness. • Proffered testimony found 5,8, 12, 21, 23, 26, 34, 37, 39, 41, and 69 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
89:5-89:11 89:13-89:15			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 39, 34, 33, 30, 28, 27, 16, 11, and 10 pages before designated testimony does not further fairness or	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				completeness. • Proffered testimony found 4, 7, 11, 20, 22, 25, 33, 36, 38, 40 and 68 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
92:13-92:14 92:16-92:22			Same counter-designation as for Elan designation 49:21-49:24	• (FRE 403) Cumulative Counter designated testimony 92:13-14 and 92:16-21 is already designated by Elan. • Depo. Obj. at 92:7 - (FRE 702) - Improper lay opinion. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Designated testimony does not need explanation or context. • Proffered testimony found 42, 37, 36, 33, 31, 30, 19, 14, 13 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 4, 8, 17, 19, 22, 30, 33, 37, 38, and 65 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
93:21-94:17			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 43, 38, 37, 34, 32, 31, 20, 15, 14 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 7, 16, 18, 21, 29, 32, 34, 36, and 63 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
97:2-97:12			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 is already designated by Elan. • Proffered testimony found 46, 42, 41, 38, 36, 35, 24, 19, 18 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 12, 14, 17, 25, 27, 30, 32, and 60 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
97:25-98:8			Same counter-designation as for Elan designation	• Proffered testimony does not further explain designated testimony. • Designated testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			49:21-49:24	need explanation or context. • Proffered testimony found 46, 42, 41, 38, 36, 35, 24, 19, 18 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 12, 14, 17, 25, 27, 30, 32, and 60 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) Lack of Personal Knowledge; (FRE 611(a)) Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
103:21-103:23 103:25-104:1			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 53, 48, 47, 44, 42, 41, 30, 25, 24, 11, 9 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 6, 8, 11, 19, 21, 24, 26, and 54 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
108:24-108:25			Same counter-	• Proffered testimony does not further explain designated	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
109:2-109:3			designation as for Elan designation 49:21-49:24	testimony. • Designated testimony does not need explanation or context. • Proffered testimony found 58, 53, 52, 49, 47, 46, 35, 30, 29, 16, 14, 10 and 5 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 6, 14, 16, 17, 19, 21, and 49 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
109:7-109:21			Same counter-designation as for Elan designation	• Proffered testimony does not further explain designated testimony. • Designated testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			49:21-49:24	need explanation or context. • Proffered testimony found 59, 54, 53, 50, 48, 47, 36, 31, 30, 17, 15, 11, and 6 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 15, 16, 18, 20, and 48 pages after designated testimony does not further fairness or completeness. • Proffered testimony found 5, 13 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
110:16-110:19			Same counter-	• Designated testimony does not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
110:21-111:1			designation as for Elan designation 49:21-49:24	need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 60, 55, 54, 51, 49, 48, 37, 32, 31, 18, 16, 12, and 7 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 4, 12, 14, 15, 17, 19, and 47 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
124:25-125:1			Same counter-designation as for Elan designation	• Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
125:3-125:19			49:21-49:24	• Designated testimony does not need explanation or context. • Proffered testimony found 74, 69, 68, 65, 63, 62, 51, 46, 45, 32, 30, 26, 21, 14, 12 and 4 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 8 and 33 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602 (112:5-8)) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	
135:9-135:12 135:14-135:16			Same counter-designation as for Elan designation 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 85, 80, 79, 76, 74, 73, 62, 57, 56, 43, 41, 37, 32, 25, 23, 18, 13, 10, 9, and 7 pages before designated testimony does not further fairness or completeness. • Proffered testimony found 22 pages after designated testimony does not further fairness or completeness. • Proffered testimony found 6 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 61:12- (FRE 602) - Lack of Personal Knowledge • Depo. Obj. at 62:14- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • Depo. Obj. at 62:24- (FRE 602) - Lack of Personal Knowledge; (FRE 611(a)) - Calls for Speculation • (FRE 403) - Cumulative Proffered testimony at 92:21 to 94:17 is already designated by Elan. • (FRE 403) - Cumulative Proffered	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not in evidence; Shi Exhibit 2 not on exhibit list. • (FRE 611(a)) - (112:1-2, 112:4) Vague and ambiguous. Counter designated testimony consists of a question without an answer. • (FRE 602) - (112:5-8) - Lack of Personal Knowledge • (FRE 402) - Relevance (115:12-21) • (FRE 402) - Attorney colloquy (115:12-21) • Depo. Obj. at 124:23 (FRE 611(a)) - Mischaracterizing testimony of witness, Assumes facts not in evidence. • Depo. Obj. at 128:2 - (FRE 611(a)) - Mischaracterizing testimony of witness • Depo. Obj. at 129:18- (FRE 602) - No Personal Knowledge; (FRE 611(a)) - Calls for Speculation	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
145:12-145:14 145:16-146:1 146:5-146:7			144:1-2; 144:4-17; 144:19-25; 146:13-15; 146:17; 154:14-17; 154:19-155:1	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
147:23-147:24 148:1-148:8			Same counter-designation as for Elan designation 145:12-145:14	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
155:2-155:12			155:16-22; 155:24-156:5	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • (FRE 403) - Cumulative	

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EXHIBIT 8-H

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Dewey H. Barich

Deposition Designations: Dewey H. Barich

BEGIN (page:line)	END (page:line)
6:19	6:24
8:13	9:5
9:22	10:6
10:12	10:15
11:6	11:8
12:6	12:10
12:12	12:14
14:2	14:3
14:5	14:9
22:16	22:18
22:20	22:25
23:16	24:4
26:25	27:3
29:8	29:10
29:12	29:14
29:16	29:22
29:25	30:1
30:8	30:11
31:19	31:21
31:23	31:25
32:15	32:18
32:20	33:3
64:17	65:4
65:6	65:13
66:10	66:12
66:14	66:25
69:5	69:6
69:8	70:2
70:14	70:16
71:3	71:15
72:21	72:24
73:1	73:9
73:11	74:4
114:25	115:8
115:13	115:21
116:14	116:20
116:22	117:3
117:15	117:17
121:25	122:3
122:14	122:18
129:13	129:24
131:21	132:10
132:12	132:13
147:2	147:4
147:6	147:8
159:21	159:23
159:25	160:10
162:16	163:3
164:3	164:16

199:1 199:3
199:5 199:10

EXHIBIT 8-HH

TO PRETRIAL ORDER

Abraxis's Objections and Counter-Designations of Deposition Testimony

Witness: Dewey H. Barich

ELAN'S RESPONSES TO ABRAXIS' OBJECTIONS TO DR. DEWEY H. BARICH DEPOSITION DESIGNATIONS (January 25, 2008)

Abraxis objects to all of Elan's deposition designations for Dewey Barich for the reasons discussed in Abraxis's motions in limine.

Elan will address Abraxis' objections to the admissibility of Dr. Dewey Barich's deposition testimony in Elan's response to Abraxis' motion in limine.

ELAN'S OBJECTIONS TO ABRAXIS' COUNTER-DESIGNATIONS DR. DEWEY H. BARICH DEPOSITION DESIGNATIONS (January 25, 2008)

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
11:6-11:8			11:9-11; 11:22-24	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
14:2-14:3			13:4-5; 13:8-11	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
29:8-29:10			65:3-4; 65:6-7	• (FRE 403) - Cumulative - Counter designated testimony 65:3-4 and 65:6-13 is already designated by Elan. • Proffered testimony found 36 pages after designated testimony	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				does not further fairness or completeness. • Designated testimony does not need explanation or context. • (FRE 402) - Proffered testimony is not relevant to the question against which it is offered.	
66:14-66:25			65:3-4; 65:6-14; 66:5-9; 67:1-5	• (FRE 403) Cumulative Counter designated testimony 65:3-4 and 65:6-13 is already designated by Elan. • Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony. • Proffered testimony 67:1-5 is not relevant to designated testimony.	
71:3-71:15			71:16-20; 72:1-3	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
115:13-115:21			115:22-25; 116:5-13	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
116:22-117:3			117:4-5; 117:7-9; 117:11	• Designated testimony does not need explanation or context. • Proffered testimony is not further explanatory of designated testimony. • Depo. Obj. at 117:10 - (FRE 602) - No Personal Knowledge	
117:15-117:17			117:18-21; 117:24-121:17	• Proffered testimony is not further explanatory of designated testimony. • Designated testimony does not need explanation or context.	
122:14-122:18			65:3-4; 65:6-7	• Proffered testimony found 57 pages before designated testimony does not further fairness or completeness. • Designated testimony does not need explanation or context. • Proffered testimony is not further	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				explanatory of designated testimony.	
129:13-129:24			129:25-131:14; 212:25-213:3; 213:11-18; 213:20; 218:19-23; 218:25; 222:17-20; 222:22; 223:10-11	• Designated testimony does not need explanation or context. • Proffered testimony is not further explanatory of designated testimony. • Proffered testimony found 83 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 213:10 - (FRE 611(a)) - compound question • Proffered testimony found 83 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 213:19 - (FRE 611(a)) - mischaracterizes witness' testimony. • Proffered testimony found 89 pages after designated testimony does not further fairness or completeness. • Depo. Obj. at 218:24 - (FRE 611(a)) - mischaracterizes deponent's testimony.	

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Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• Proffered testimony found 93 pages after designated testimony does not further fairness or completeness. • Depo Obj. at 222:23-24 - (FRE 611(a)) - Assumes facts not in evidence.	
164:3-164:16			164:17-19; 164:21-165:10; 165:12	• Designated testimony does not need explanation or context. • Depo. Obj. at at 164:20 - (FRE 802) - Hearsay with Hearsay	

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EXHIBIT 8-I

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Johnson Tai Wong

Deposition Designations: Johnson Tai Wong

BEGIN (page:line)	END (page:line)
58:9	58:14
58:16	58:21
60:14	60:15
60:17	60:17
60:19	61:8
63:4	63:6
63:10	63:10
63:13	63:14
65:20	66:1
133:10	134:23
134:25	134:25
135:2	135:3
135:5	135:5
135:25	136:3
140:19	141:7
141:10	141:11
141:13	141:14
142:18	143:4
144:3	144:6
215:24	216:21
216:23	217:6
217:11	217:13
276:12	276:13
276:15	277:1
277:3	277:21
281:4	281:6
281:8	281:10
281:12	282:13
282:15	282:18
293:1	293:9
318:19	319:11
319:13	319:22
319:24	320:2
320:4	320:14
320:16	320:8
321:12	321:13
322:21	323:2
323:14	323:17
323:20	323:22
327:14	327:18
327:23	328:3
328:9	328:12
328:14	328:14
328:16	329:4
333:15	334:22
376:22	377:3
377:6	377:11
377:13	377:17
377:19	377:21
377:24	378:7

378:11	378:20
378:22	379:7
379:9	379:11
379:13	379:18
379:21	379:22
379:25	380:1
380:3	380:15
380:17	380:19
380:21	380:23
380:25	380:1
381:3	381:8
392:24	393:22
395:8	395:16
396:10	396:12
396:15	396:18
396:20	396:22
396:24	396:24
397:1	397:3

EXHIBIT 8-J

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Edmund A.C. Crouch

Deposition Designations: Edmund A.C. Crouch

BEGIN (page:line)	END (page:line)
81:13	82:1
82:3	82:8
82:10	82:18
82:20	83:3
83:5	83:9
83:11	83:19
83:21	83:25
84:2	84:5
84:7	84:12
84:14	84:14
86:8	86:10
86:12	86:17
86:19	86:22
86:24	87:4
87:6	87:13
87:15	87:16
95:16	97:13

EXHIBIT 8-K

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Mansoor M. Amiji

Deposition Designations: Mansoor M. Amiji

BEGIN (page:line)	END (page:line)
356:19	357:2
358:23	359:5
360:13	360:20
399:20	400:6
426:4	427:4

EXHIBIT 8-L

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: Michael Hamrell

Deposition Designations: Michael Hamrell

BEGIN (page:line)	END (page:line)
7:3	7:7
47:2	47:24
93:10	93:14
93:21	93:24
94:1	94:16

EXHIBIT 8-M

TO PRETRIAL ORDER

Plaintiff's Designation of Deposition Testimony

Witness: William J. Davis

Deposition Designations: William J. Davis

BEGIN (page:line)	END (page:line)
205:19	205:14