IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

REPLACEMENT AND SUPPLEMENTAL EXHIBITS
TO PROPOSED JOINT PRE-TRIAL ORDER

ASHBY & GEDDES
Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Tiffany Geyer Lydon (I.D. #3950)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
302-654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Plaintiff

YOUNG CONAWAY STARGATT & TAYLOR LLP
Josy W. Ingersoll (I.D. #1088)
Elena C. Norman (I.D. #4780)
Karen E. Keller (I.D. #4489)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19801
302-571-6600
jingersoll@ycst.com
enorman@ycst.com
kkeller@ycst.com

Attorneys for Defendant

Dated: April 21, 2008

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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
JX001 (PX119, DX144)	ABRX-MERK0000295	ABRX-MERK0000370	Contract - Technology Transfer and License Agreement among Merk and Elan	7/26/1999			
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	Report - PD03-NP/F-027 - Amendment I - Pages 11-21				
JX005 (PX151, DX036)	ABRX0117143	ABRX0117419	IND 55974 - VII. Chemistry, Manufacturing and Controls Information Excerpt (pp 291-565)	9/30/1997			P (403), (X) rule of completeness
JX006 (PX152, DX037)	ABRX0117420	ABRX0117555	NDA 21660 - II. Drug Product--Components and Composition	4/25/2003			P (403), (X) rule of completeness
JX007 (PX162: DX039)	ABRX0149444	ABRX0149472	Laboratory Notebook 70 (Shlomo Magdassi)	8/30/1995	Desai 2 Desai 28		X (403)
JX008 (PX179, DX044)	ABRX0151870	ABRX0151933	NDA 21660 - FDA Meeting Information Package; Appendix A Chemistry, Manufacturing and Controls	12/22/2000			P (403) (rule of completeness)
JX009 (PX209,	ABRX0220111	ABRX0220359	NDA 21660 - NDA Summary				

[1] Elan has not provided Abraxis with trial-stamped copies of myriad exhibits, including all of the joint exhibits. Abraxis reserves its objection to exhibits subsequently provided to the extent they are illegible or differ from the descriptions provided by Elan.

[2] 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.

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX055)							
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 (PX217, DX058)	ABRX0221991	ABRX0221992	Email - Neil Desai to Zachary Yim re nanoparticles comparison with competitors	5/9/2005			
JX012 (PX276, DX059)	ABRX0257340	ABRX0257354	Presentation - Applied Health Outcomes, "Abraxane Economic Model"				
JX013 (PX279, DX061)	ABRX0267259	ABRX0267276	Presentation - "Protein Stabilized Nanoparticles"				
JX014 (PX029, DX178)	BARICH0000010	BARICH0000016	CV - Dewey H Barich			P, I, U, M	
JX015 (PX293, DX065)	ABRX0279513	ABRX0279517	Email - Zachary Yim to Neil desay and Tapas De re Abraxane particle dissolution	1/17/2006	Manning 8		
JX016 (PX299, DX068)	ABRX0290266	ABRX0290269	Email - Michael McNamara to Mitchell Clark, et al re amorphous paclitaxel label change	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	Report - PD06-NP/N-004 ABI-007 Characterization		Atwood 7		
JX019 (PX309, DX72)	ABRX0478762	ABRX0478774	Article - William J Gradishar, "Albumin-bound paclitaxel: a next-generation taxane" Expert Opin Pharmacother 7(8):1041-53 (2006)	1/1/2006			H (802), Opinion (702), I (402)
JX020 (PX320,	ABRX0523602	ABRX0523693	Letter - G Liversidge to Neil Desai re enclosing Nanosystems presentation and patents	8/28/1996	Desai 25 Soon-Shiong 6		X (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX77)							
JX021 (PX322, DX081)	ABRX0525091	ABRX0525337	Laboratory Notebook 24 (Neil Desai)	9/4/1996		P, X	X (403)
JX022 (PX325, DX088)	ABRX0528113	ABRX0528134	Contract - License Agreement between University of Southern California and Abraxis Bioscience, Inc	05/23/2007			
JX023 (PX333, DX114)	ABRX0533089	ABRX0533100	SOP - 10-08-03-6193 Implemented "Paclitaxel and human albumin assays in supernatant liquid and pellet of ABI-007 reconstituted suspension: an ultracentrifugation technique coupled with hplc methods"	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	Presentation – VivoRx Polysaccharide and Protein-Based Drug Delivery System	06/03/1993			
JX026 (PX356, DX116)	ABRX0536609	ABRX0536645	Presentation – "Next Generation Delivery Systems of Biological Origin"			P, R	R (multiple docs) P (403); H (802); I (402)
JX027 (PX357, DX048)	ABRX0168182	ABRX0168197	Presentation – VivoRx Pharmaceuticals				
JX028 (PX359, DX089)	ABRX0528243	ABRX0528272	Fax – CDA and Presentation	08/21/1996			
JX029 (PX360, DX038)	ABRX0149040	ABRX0149043	Laboratory Notebook 90 (Kevin Ferreri)				X (403)
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,	ABRX0527218	ABRX0527473	Labratory Notebook 6 (Neil Desai)	08/18/1992			X (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX82)							
JX032 (PX051; DX218)	ELANP0037594	ELANP0037650	Contract - License Agreement between Elan Pharma International Limited and Janssen Pharmaceutica	7/31/2003			
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		U, M	
JX040 (PX622, DX018)	ABRX0000242	ABRX0000332	File History of U.S. Patent No. 5,834,025 (de Garavilla et al)	11/10/1998		U, M	
JX041 (PX623, DX117)	ABRX0536649	ABRX0536659	Document - VivoRx - Fact Sheet for Taxol Samples to Bristol-Myers Squibb			U, M	H (802)
JX042 (PX290,	ABRX0279367	ABRX0279376	Presentation - Abraxane, Physical Analysis and Physiochemical Analysis				

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX064)							
JX043 (PX645, DX352)	JAROSZ0013491	JAROSZ0013505	Chart - Emend (Aprepitant) Royalty Payment to Elan 2nd Qtr 2007			U, M	
JX044 (PX646, DX353)	JAROSZ0013537	JAROSZ0013537	Chart - Par Pharmaceutical Companies, Inc. - Megestrol ES Sales and Royalty Report			U, M	
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			U, M, P	
JX049 (PX398, DX578)	ABRX0148763	ABRX0148776	Laboratory Notebook 38 (Tim Wheeler)	2/01/1995			H (802), L (602), U, X (403)
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	
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,			P (misquotes)	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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) NDA 21660 - Summary of Efficacy (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) NDA 21660 - Summary for Abraxane (ABRX0220111) NDA 21660 - Summary of Safety (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)			P (mis-cites)	
PX007			1006 Summary of the following documents: ELANP0317763-802 ELANP0036698-756 ELANP0036570-633 ELANP0036757-814 ELANP0036634-697 WYE0001 WYE0181 ELANP0319096-124 ELANP0036921-961 ELANP0036965-010 ELANP0036962-964 ELANP0037011-074			H, I, P, D, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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 ELANP0037929-964 ELANP0037965-984 ABRX-NYCO0000003-27 ELANP0037985-8022 ELANP0038023-061 ABRX-IMCOR0000037 ABRX-IMCOR0000193-99 ABRX-IMCOR0000069-97				

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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 ELANP037651-704 ELANP037784-817 ELANP037741-783 ABRX-MERK0000410-428 ABRX-MERK0000379-398 ABRX-MERK0000159-216 ABRX-MERK0000295-348 ELANP037965-984 ELANP037965-984			I, P, D, H, U, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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) NDA 21660 - Briefing Package for the Oncologic Drugs Advisory Committee Meeting, September 7, 2006 (ABRX0123712) Presentation - Oncologic Drugs Advisory Committee Meeting, September 7, 2006 (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) 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) Presentation - American BioScience, Inc., "SPARC Plasys a Central Role in Tumor Metastases and may be a Target for nab Based-Chemotherapy" (ABRX0273421) Abraxane Briefing Document (ABRX0392117)			H, I, P, D, U	
PX010			1006 Summary of the following documents:			P, D	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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)				
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 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)			I, P, D	
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			H, I, P, D	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Lung Cancer Xenograft" Study performed by Cancer Therapy and Research Center, Institute for Drug Development, San Antonio, TX. November 12, 1996 (ELANP0022787)				
PX014	ABRX0497648	ABRX049691	NDA 21660 - Submissions in Response to FDA Request for Information			S, R, I, P	
PX015	ABRX0491835	ABRX0491946	NDA 21660 - Drug Product			S, R, C, I	
PX016	ABRX0496832	ABRX0496872	Module - Common Technical Document Summaries			S, R, I, P, C	
PX017	ABRX0490320	ABRX0490596	IND 55974 pp 291-565 (CMC)			S, R, I, P, C	
PX018	ABRX0521910	ABRX0521912	Laboratory Notebook (Paul Sandford)			S, R, I, P	
PX019	ABRX0519205	ABRX0519293	Laboratory Notebook 8 (Nilesh Ron)	7/25/2000	L Louie 9	S, R, P, C	
PX020	ABRX0516060	ABRX0516114	Laboratory Notebook 23669 (Sung)			S, R, I,	
PX021	ABRX0498275	ABRX0498278	Email - Zachary Yim to Neil Desai et al re comparison of the chromatographic profile for processed and unprocessed Human Serum Albumin	3/24/2006		S, R, P	
PX022	ABRX0498380	ABRX0498403	CPID - Chemical Entities			S, R, C	
PX023	ABRX0491613	ABRX0491784	NDA 21660 - Drug Product			S, C, R	
PX025	ABRX0526584 ABRX0526628 ABRX0526650 ABRX0526655 ABRX0526668 ABRX0526680	ABRX0526585 ABRX0526628 ABRX0526650 ABRX0526655 ABRX0526668 ABRX0526680	Laboratory Notebook 130 (Neil Desai)	9/7/1996		S, R, P, I	
PX026	ABRX0527005	ABRX0527217	Laboratory Notebook 199 (Neil Desai)	11/6/1997		S, R, P, I, C	
PX027	ABRX0049667	ABRX0049693	CPID - response to request for clarification	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	10/10/2006			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Products"				
PX032	BERKLAND0001624	BERKLAND0001629	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 between NanoSystem LLC and American Home Products Corporation	5/9/1997	D Czekai 27		
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	8/2/2006			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			International Limited and Lymphosign Inc and Lymposign AG				
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	
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 Pharmecutica 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	ELANP0317002	Transcript - FDA Public Meeting of Nanotechnology Task	10/10/2006	Desai 2	C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	ELANP0317181	ELANP0317206	Force, October 10, 2006				
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	
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	1/1/2006		I, P	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Delivery: a Validated Technology?"				
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)				
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				

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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	
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			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX128	ABRX0003082	ABRX0003115	Presentation - "Abraxane for the adjuvant treatment of node-positive breast cancer" Oncologic Drugs Advisory Committee Meeting, September 7, 2006	9/7/2006	M Hawkins 6 (7/6 & 11/15); J Lisano 12	R, C	
PX130	ABRX0003133	ABRX0003133	2004 Abraxis Sales Training Book, Chapter 7, page 3	1/1/2004		P, X, C	
PX131	ABRX0003269	ABRX0003271	NDA 21660 - Form FDA 356H - "Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use"	3/4/2004			
PX132	ABRX0003272	ABRX0003279	NDA 21660 - Letter from Mitchall G Clark to FDA re Submission of NDA	3/4/2004		R	
PX133	ABRX0003280	ABRX0003280	NDA 21660 - Table of Contents	3/4/2004			
PX135	ABRX0041628	ABRX0041775	NDA 21660 - Integrated Summary of Efficacy	2/11/2004			
PX136	ABRX0041776	ABRX0041806	NDA 21660 - Integrated Summary of Safety	2/14/2004			
PX137	ABRX0042167	ABRX0042171	NDA 21660 - Background to Clinical Investigations				
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			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX144	ABRX0076963	ABRX0076989	IND 55974 - Excerpt of Pages 3-290	5/12/1998			
PX146	ABRX0079923	ABRX0079927	IND 55974 - Letter from Mitchall G Clark to Dianne Spillman (FDA) - Change of Company Name and Address	11/2/1998			
PX147	ABRX0083461	ABRX0083515	IND 55974 - Pre-Meeting Information Package	12/22/2000			
PX148	ABRX0107547	ABRX0107567	Package Insert - Abraxane 1/7/05	1/7/2005			
PX149	ABRX0111017	ABRX0111019	IND 55974 - Letter of Authorization to Cross-Reference IND	6/20/2005			
PX150	ABRX0111839	ABRX0111846	IND 55974 - Request for a Type B Pre-NDA Meeting	9/19/2005			
PX153	ABRX0121073	ABRX0121077	Email - Monica Batra to Frank H Cross, Jr (FDA) re efficacy labeling supplement	12/22/2006	Desai 20 Soon-Shiong 7	P, I, M	
PX154	ABRX0121079	ABRX0121136	Email - Frank H Cross, Jr (FDA) to Monica Batra - Efficacy Labeling Supplement	1/9/2007		P, I, M	
PX155	ABRX0121139	ABRX0121167	Email - Monica Batra to Frank H Cross, Jr (FDA) re Efficacy Labeling Supplement	1/17/2007		P, I, M	
PX156	ABRX0123712	ABRX0123767	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	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	NDA 21660 - Summary - Efficacy			R	
PX159	ABRX0147692	ABRX0147694	NDA 21660 - Letter from Monica Batra to Amy Baird (FDA) re Labeling Supplement	4/14/2006	Desai 19	P, I, M, X	
PX160	ABRX0148725	ABRX0148762	Laboratory Notebook 24 (Neil Desai)	11/10/1994			
PX161	ABRX0149228	ABRX0149234	Laboratory Notebook 199 (Neil Desai)	11/6/1997		P, I	
PX163	ABRX0150543.001 ABRX0151586 ABRX0151587 ABRX0151588	ABRX0150543.003 ABRX0151586 ABRX0151587 ABRX0151588	Laboratory Notebook 24076 (Maureen Connell)	6/2/2003		R, X	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	ABRX0151589 ABRX0151591 ABRX0151592	ABRX0151589 ABRX0151591 ABRX0151592					
PX164	ABRX0150566	ABRX0150566	Letter - Raj Selvaraj to Peter M Frederik: Request for TEM Images	6/20/2002			
PX165	ABRX0151301	ABRX0151301	Certificate of Analysis - Human Albumin	12/10/1999		C, H, I, P	
PX166	ABRX0151335	ABRX0151335	Micron - Letter from James F Ficca (Micron) to Raj Selvaraj - Micron Standard Operating Procedure	7/31/2003			
PX167	ABRX0151336	ABRX0151337	Micron - "Standard Operating Procedure for performing Qualitative X-Ray Diffraction Analysis of Pharmaceutical materials as per USP <941>"	6/11/2001			
PX168	ABRX0151340	ABRX0151340	Micron - "Shimadzu XRD 6000 X-Ray Diffraction (XRD) System Configuration"	10/5/1998			
PX169	ABRX0151341	ABRX0151341	Micron - Letter from W Eugene Gresham (Micron) to Raj Selvaraj - Rates and Standard Operating Procedures	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	Micron - Letter from Katherine AF Melody (Micron) to Kenroy Noicely - XRD Results	10/21/2002	Berkland 8	P, X	
PX172	ABRX0151512	ABRX0151513	Micron - Letter from Katherine AF Melody (Micron) to Kenroy Noicely - XRD Results	12/13/2002	Berkland 9	P, X	
PX180	ABRX0152720.001	ABRX0152725	Laboratory Notebook 23798 (Kenroy Noicely)	12/23/2003			
PX181	ABRX0152917	ABRX0152917	Abraxis Experiment - "Summary of ABI-007 Test Result"	3/25/2003			
PX182	ABRX0152925	ABRX0152925	Abraxis Experiment - "Summary of ABI-007 Test Result"	4/17/2006			
PX183	ABRX0152926	ABRX0152926	Abraxis Experiment - "Summary of ABI-007 Test Result"	2/29/2000			
PX184	ABRX0152982	ABRX0152982	Email - Raj Selvaraj to Missy L Hazen (Penn State University) - Request to perform TEM of ABI-007	1/15/2003			
PX185	ABRX0152983	ABRX0152983	Email - Raj Selvaraj to Missy L Hazen (Penn State University) - Request to perform TEM of ABI-007	1/20/2003			
PX186	ABRX0153042	ABRX0153062	Report - PD06-NP/N-004 "Comparative Study on Characterization Results of Abraxane Commercial and	5/23/2006			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Stability Lots"				
PX187	ABRX0153647	ABRX0153647	Letter - Donald Stec (University of Iowa) to Zhongyuan Zhu: NMR Report	11/21/2002			
PX188	ABRX0153648	ABRX0153648	Letter - Donald Stec (University of Iowa) to Zhongyuan Zhu: NMR Report	11/21/2002		R	
PX189	ABRX0153649	ABRX0153649	Letter - Donald Stec (University of Iowa) to Zhongyuan Zhu: NMR Report	11/21/2002		R	
PX190	ABRX0153667	ABRX0153680	Report - PD03-NP/F-020 "Paclitaxel and human albumin assays in supernatant liquid and pellet of ABI-007 reconstituted suspension"	3/17/2003		R	
PX191	ABRX0153681	ABRX0153692	SOP - 10-08-03-6193 "Paclitaxel and human albumin assays in supernatant liquid and pellet of ABI-007 reconstituted suspension: an ultracentrifugation technique coupled with hplc methods"	1/14/2003			
PX192	ABRX0154391	ABRX0154664	IND 55974 - Annual Report June 12, 2003 - June 11, 2004	6/12/2003		C	
PX201	ABRX0167225	ABRX0167265	NDA 21660 - Patent Certification and Debarment Certification	2/14/2007		I	
PX202	ABRX0167272	ABRX0167297	Package Insert - Abraxane 1/2007	01/00/2007			
PX203	ABRX0168178	ABRX0168181	Contract - NanoSystems Confidentiality Agreement with VivoRx	8/21/1996	Desai 24Soon-Shiong 13	P, I	
PX204	ABRX0168999	ABRX0169111	NDA 21660 - Specification and Methods, Drug Product				
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	Abraxis Document - "Lesson 7: Protein-Bound Chemotherapeutics"	00/00/2004	J Lisano 7	P	
PX208	ABRX0172441	ABRX0172468	Abraxis Document - "Lesson 7: nab Cytotoxic Agents"	00/00/2004		P	
PX210	ABRX0220489	ABRX0220523	Presentation - Michael Hawkins, MD, "Abraxane:	1/24/2006		C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Nanoparticle platform delivers improved antitumor activity," Presentation to NCI's Nanotech Seminar Series, January 24, 2006				
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			
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	Table - Forecase model for Abraxane 2006-2010			H, I, P	
PX219	ABRX0224829	ABRX0224904	Presentation - "Abraxane Treatment of Node-positive breast cancer" for ODAC Meeting	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	Presentation - Qinwei Wang	1/1/2005		I, P	
PX222	ABRX0225171	ABRX0225171	Email - Vong Trieu to Neil Desai, et al re background and significance	3/11/2005			
PX223	ABRX0225172	ABRX0225175	Abraxis grant application - "Background and significance"			P	
PX224	ABRX0225176	ABRX0225176	Email - Vong Trieu to Neil Desai, et al re background and significance	3/14/2005			
PX225	ABRX0225177	ABRX0225181	Abraxis grant application - "Background and significance"			P	
PX226	ABRX0225185	ABRX0225196	Abraxis grant application - American Bioscience, Inc, Nanotechnology, "Relevant Nanotechnology Area for ABI"				
PX227	ABRX0226571	ABRX0226575	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	5/2/2005	H Lee 3	I, C	
PX228	ABRX0226576	ABRX0226581	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	9/5/2005	H Lee 3	I, C	
PX229	ABRX0226582	ABRX0226586	Report - MedComm Monthly Report of Medical Inquiry and	1/3/2006	H Lee 3	I, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Adverse Event Reporting				
PX230	ABRX0226587	ABRX0226591	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	3/1/2005	H Lee 3	I, C	
PX231	ABRX0226592	ABRX0226596	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	8/1/2005	H Lee 3	I, C	
PX232	ABRX0226597	ABRX0226601	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	7/1/2005	H Lee 3	I, C	
PX233	ABRX0226602	ABRX0226606	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	4/1/2005	H Lee 3	I, C	
PX234	ABRX0226607	ABRX0226611	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	6/1/2005	H Lee 3	I, C	
PX235	ABRX0226612	ABRX0226616	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	12/1/2005	H Lee 3	I, C	
PX236	ABRX0226617	ABRX0226621	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	11/1/2005	H Lee 3	I, C	
PX237	ABRX0226622	ABRX0226626	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	10/1/2005	H Lee 3	I, C	
PX238	ABRX0226627	ABRX0226632	Presentation - Abraxane Medical Information MedComm	8/1/2005	H Lee 3	I, C	
PX239	ABRX0226633	ABRX0226638	Presentation - Abraxane Medical Information MedComm	12/1/2005	H Lee 3	I, C	
PX240	ABRX0226639	ABRX0226644	Presentation - Abraxane Medical Information MedComm	7/1/2005	H Lee 3	I, C	
PX241	ABRX0226645	ABRX0226650	Presentation - Abraxane Medical Information MedComm	6/1/2005	H Lee 3	I, C	
PX242	ABRX0226651	ABRX0226656	Presentation - Abraxane Medical Information MedComm	11/1/2005	H Lee 3	I, C	
PX243	ABRX0226657	ABRX0226662	Presentation - Abraxane Medical Information MedComm	10/1/2005	H Lee 3	I, C	
PX244	ABRX0226663	ABRX0226668	Presentation - Abraxane Medical Information MedComm	9/1/2005	H Lee 3	I, C	
PX245	ABRX0226669	ABRX0226673	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	5/1/2006	H Lee 3	I, C	
PX246	ABRX0226674	ABRX0226678	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	9/5/2006	H Lee 3	I, C	
PX247	ABRX0226679	ABRX0226684	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	1/1/2007	H Lee 3	I, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX248	ABRX0226685	ABRX0226689	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	3/1/2006	H Lee 3 M Hawkins 4 (7/6 & 11/15)	I, C	
PX249	ABRX0226690	ABRX0226694	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	2/1/2006	H Lee 3	I, C	
PX250	ABRX0226695	ABRX0226699	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	8/2/2006	H Lee 3	I, C	
PX251	ABRX0226700	ABRX0226704	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	7/3/2006	H Lee 3	I, C	
PX252	ABRX0226705	ABRX0226709	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	4/1/2006	H Lee 3	I, C	
PX253	ABRX0226710	ABRX0226714	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	6/3/2006	H Lee 3 M Hawkins 3 (7/6 & 11/15)	I, C	
PX254	ABRX0226715	ABRX0226720	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	12/1/2006	H Lee 3	I, C	
PX255	ABRX0226721	ABRX0226725	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	11/1/2006	H Lee 3	I, C	
PX256	ABRX0226726	ABRX0226730	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	10/3/2006	H Lee 3	I, C	
PX257	ABRX0226731	ABRX0226736	Presentation - Abraxane Medical Information MedComm	4/1/2006	H Lee 3	I, C	
PX258	ABRX0226737	ABRX0226742	Presentation - Abraxane Medical Information MedComm	8/1/2006	H Lee 3	I, C	
PX259	ABRX0226743	ABRX0226748	Presentation - Abraxane Medical Information MedComm	12/1/2006	H Lee 3	I, C	
PX260	ABRX0226749	ABRX0226754	Presentation - Abraxane Medical Information MedComm	2/1/2006	H Lee 3	I, C	
PX261	ABRX0226755	ABRX0226760	Presentation - Abraxane Medical Information MedComm	1/1/2006	H Lee 3	I, C	
PX262	ABRX0226761	ABRX0226766	Presentation - Abraxane Medical Information MedComm	7/1/2006	H Lee 3	I, C	
PX263	ABRX0226767	ABRX0226772	Presentation - Abraxane Medical Information MedComm	6/1/2006	H Lee 3	I, C	
PX264	ABRX0226773	ABRX0226778	Presentation - Abraxane Medical Information MedComm	3/1/2006	H Lee 3	I, C	
PX265	ABRX0226779	ABRX0226784	Presentation - Abraxane Medical Information MedComm	5/1/2006	H Lee 3	I, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX266	ABRX0226785	ABRX0226790	Presentation - Abraxane Medical Information MedComm	11/1/2006	H Lee 3	I, C	
PX267	ABRX0226791	ABRX0226796	Presentation - Abraxane Medical Information MedComm	10/1/2006	H Lee 3	I, C	
PX268	ABRX0226797	ABRX0226802	Presentation - Abraxane Medical Information MedComm	9/1/2006	H Lee 3	I, C	
PX269	ABRX0226803	ABRX0226808	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	5/1/2007	H Lee 3	I, C	
PX270	ABRX0226809	ABRX0226814	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	3/2/2007	H Lee 3	I, C	
PX271	ABRX0226815	ABRX0226820	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	2/1/2007	H Lee 3	I, C	
PX272	ABRX0226821	ABRX0226826	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	4/1/2007	H Lee 3	I, C	
PX273	ABRX0226860	ABRX0226862	Letter - Linda Nakamura to Tom Spillane re Abraxane inquiry	3/2/2005	H Lee 4	I, C, X	
PX274	ABRX0226866	ABRX0226870	Clinical Experience with Abraxane Weekly Regimen		H Lee 5 M Hawkins 1 (7/6 & 11/15)	I, C, P	
PX275	ABRX0228507	ABRX0228512	Table - List of Abraxane Paid Claims Commercial/Private Payers			H, P, I	
PX277	ABRX0266516	ABRX0266516	Figure caption - "Narrative on SEM of Capxol" and "Sample Preparation for SEM"			I, P	
PX278	ABRX0266717	ABRX0266722	Presentation - ABI-007 efficacy data				
PX280	ABRX0268490	ABRX0268492	Email - Christien Cassiano to Bruce Wendel, et al re Oncology News International: Nab-paclitaxel Bests Docetaxel in 1st Line MBC	1/26/2007	M Hawkins 5 (7/6 & 11/15)		
PX281	ABRX0268701	ABRX0268706	Article - Marcy C Pinder, "Nanoparticle Albumin-Bound Paclitaxel For Treatment of Metastatic Breast Cancer"	1/1/2006			
PX282	ABRX0269073	ABRX0269086	Presentation - CA024 Interim Analysis	8/1/2006			
PX283	ABRX0269312	ABRX0269314	Presentation - Specific Taxane and Cremophor Toxicities			X	
PX284	ABRX0269485	ABRX0269551	Presenatation - "Abraxane for the adjuvant treatment in node-positive breast cancer" for ODAC Meeting	9/7/2006	M Hawkins 7 (7/6 & 11/15)	I, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX285	ABRX0270744	ABRX0271254	Table - "Taxane Milligram Volume by Quarter (Q1 2005-Q12006)"			H, P, I	
PX286	ABRX0272229	ABRX0272236	Presentation - MedComm Solutions Statistical Report	6/2/2005		I, C	
PX287	ABRX0272237	ABRX0272241	Report - MedComm Monthly Report of Medical Inquiry and Adverse Event Reporting	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	NDA 21660 - ABI-007 characterization				
PX291	ABRX0279496	ABRX0279499	Email - Nei Desai to Tapas De re Abraxane particle dissolution	1/18/2006		I, C	
PX292	ABRX0279500	ABRX0279504	Presentation - Dissolution study			I, C	
PX294	ABRX0282685	ABRX0282686	Email - Patrick Soon-Shiong to Neil Desai and Bruce Wendel re Taiho diligence	6/2/2005			
PX295	ABRX0284226	ABRX0284226	Image - Albumin acts as transport for paclitaxel nanoparticles				
PX296	ABRX0287106	ABRX0287130	Presentation - "Nanoparticle albumin bount (nab) technology: A nanotechnology platform for drug delivery and targeting"				
PX297	ABRX0287163	ABRX0287182	Presentation - Neil Desai, "Research Overview"				
PX298	ABRX0287612	ABRX0287642	Presentation - Neil Desai, PhD, Vice President R&D, "The nanoparticle albumin bound (nab) technology: Abraxane and SPARC"			C	
PX300	ABRX0292729	ABRX0292763	Study - Report # PR-0003 "Determination of the LD50 in mice for Capxol and Taxol following a single intravenous administration"	10/6/1997			
PX302	ABRX0300726	ABRX0300758	Presentation - "Abraxane for the Treatment of Node-Positive Breast Cancer" for ODAC Meeting	9/7/2006	Desai 39	C	
PX303	ABRX0384618	ABRX0384632	Presentation - Neil Desai, "Nanoparticle Albumin Bound (nab) technology: A nanotechnology platform for biologically interactive drug delivery and targeting"			C	
PX304	ABRX0386805	ABRX0386866	Presentation - "Abraxane for the Treatment of Node-Positive Breast Cancer" for ODAC Meeting	9/7/2006	Soon-Shiong 14	C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX305	ABRX0390692	ABRX0390700	Abraxane Prescribing information				
PX306	ABRX0392117	ABRX0392131	Abraxane Briefing Document		Desai 40		
PX307	ABRX0474793	ABRX0474796	Article - "Albumin-Bound Paclitaxel Formulation in Metastatic Breast Cancer"	2/1/2004		R	
PX308	ABRX0475639	ABRX0475641	NDA 21-660 - letter from FDA re NDA application	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	Memo - Summary of Abraxane Briefing, Michael Hawkins, MD, Presented, St Gallen, March 14, 2007	3/14/2007	M Hawkins 8 (7/6 & 11/15)		
PX312	ABRX0481366	ABRX0481384	Presentation - Michael Hawkins, "Abraxane Studies in Breast Cancer"			R, C	
PX313	ABRX0489175	ABRX0489249	Presentation - Abraxane 2006 & 2007 Brand Plan		J Jarosz4	H, I, P	
PX314	ABRX0500634	ABRX0500634	Call detail report - David Haidak	3/4/2005	Haidak 1	I	
PX315	ABRX0511822	ABRX0511846	Spreadsheet - 2006-2010 forecast model		J Jarosz11	H, P, I	
PX316	ABRX0511847	ABRX0511889	Spreadsheet - Annual Unique Taxane Treated Adjuvant Breast Population			B, C, I, X	
PX317	ABRX0511890	ABRX0511966	Spreadsheet - Annual Unique Taxane Treated Metastatic Breast Population			C , I	
PX321	ABRX0523844	ABRX0523868	Laboratory Notebook 70 (Shlomo Magdassi)			C	
PX324	ABRX0527980	ABRX0527980	Financial Statement - 2006 Annual Operating Plan Projected Statement of Income, Abraxis Oncology - US Only - Stand Alone Business	1/1/2006		I, C, B, X	
PX326	ABRX0528759	ABRX0528788	Presentation - "Abraxane Launch Strategies"			H, I, P	
PX327	ABRX0528789	ABRX0528953	Presentation - "Abraxane Launch Presentation to Senior Managment"	4/29/2004	J Jarosz12	H, I, P	
PX328	ABRX0529174	ABRX0529186	Presentation - "Market Development"			X, I	
PX329	ABRX0532454	ABRX0532454	Form - CryoTEM	9/24/2003	Desai 17		

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX330	ABRX0532455	ABRX0532474	Abraxane Image - CryoTEM	4/24/2002	Desai 17		
PX331	ABRX0532533	ABRX0532598	Presentation - "Business Analysis Summary"	8/13/2007		H, C, I	
PX332	ABRX0533066	ABRX0533075	Report - PD03-NP/F-020 "Paclitaxel and human albumin assays in supernatant liquid and pellet of ABI-007 reconstituted suspension"				
PX334	ABRX0533344	ABRX0533583	Laboratory Notebook (no number) (Neil Desai)	8/5/1999		R, P, I	
PX335	ABRX0533861	ABRX0533862	Email - Robert Ghadimian to Barry Flannelly re FDA Feedback on the Revised Abraxane Labeling	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			Contract - MedComm-Abraxis Consulting Agreement	12/16/2004	H Lee 1	I	
PX344			Contract - Amendment No 1 to Consulting Agreement between Abraxis Oncology and MedComm Solutions, LLC	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) 1	I	
PX347			Figure - Selvaraj "Crosslinked? yes/no"		Selvaraj (7/27) 2	I	
PX348			Figure – Drawing with (A) and (B) labels		Selvaraj (7/27)	I	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
					3		
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	Presentation - American BioScience, Inc, "SPARC Plasys a Central Role in Tumor Metastases and may be a Target for nab Based-Chemotherapy"			C	
PX353	ABRX0524598	ABRX0524598	Article – NP Desai, "Controlled and Targeted Drug Delivery with Biocompatible Protein Shell Microspheres"				
PX354	ABRX0524599	ABRX0524599	Article – NP Desai, "Immunoisolation of Xenografted Islets in Dually (Ionic & Covalent) Crosslinked Alginate Hydrogels"				
PX358	ABRX0523468	ABRX0523473	Laboratory Notebook 46 (S George Simon)			P, H	
PX361	ABRX0408971	ABRX0408972	Article – William J Gradishar, "Albumin-Bound Nanoparticle Paclitaxel"				
PX362	ABRX0267306	ABRX0267340	Presentation – "Protosphere Nanoparticle Technology"			C	
PX363	ABRX0287685	ABRX0287727	Presentation – "Cremophor Toxicities"				
PX364	ABRX0499310	ABRX0499403	"Day 120 Response – Quality"			S, R, H	
PX365	ABRX0271271	ABRX0271530	SEC – American Pharmaceutical Partners, Inc				
PX366	ABRX0521737	ABRX0521797	Laboratory Notebook 176 (David Sahadevan)			S, R, C, I, P	
PX367	ABRX0149098	ABRX0149182	Laboratory Notebook 176 (David Sahadevan)				
PX368	ABRX0525713	ABRX0525942	Laboratory Notebook 22 (Neil Desai)	12/17/2001		P, I, C, U, M	
PX370	ABRX0526577	ABRX0526793	Laboratory Notebook 130 (Neil Desai)	9/7/1996		S, R, P, I, C, U, M	
PX372	ABRX0490597	ABRX0490733	NDA 21660 - Summary of Information Provided on Batch Reports "M", "R" and "T" of the Batch Records			S, R, P, C, U, M	
PX373	ABRX0495072	(to ending No)	NDA 21660 - Drug Substance			S, R, P, C, U, M	
PX374	ABRX0495463	(to ending No)	NDA 21660 - Table of Contents for NDA			S, R, P, C, U, M	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX375	ABRX0495470	ABRX0495523	NDA 21660 - Investigational Formulations			S, R, P, C, U, M	
PX376	ABRX0495524	(to ending No)	NDA 21660 - Methods Validation			S, R, P, C, U, M	
PX377	ABRX0496239	(to ending No)	NDA 21660 - Additional CMC information since June 2003			S, R, P, C, U, M	
PX378	ABRX0496263	(to ending No)	Diagram - Commercial Process			S, R, P, I, C, U, M	
PX379	ABRX0496803	(to ending No)	email - Tapas De to Zachary Yim, et al re nab development			S, R, P, I, C, U, M	
PX380	ABRX0496953	(to ending No)	PD03-NP/F-050			S, R, P, I, C, U, M	
PX381	ABRX0498123	(to ending No)	Module 2: Common Technical Document Summaries (draft)			S, R, P, I, C, U, M, H	
PX382	ABRX0498272	(to ending No)	email - Neil Desai to Zachary Yim et al, re comparision of the chromatographic profile for			S, R, P, I, C, U, M	
PX389	ABRX0082462	ABRX0082604	IND 55974 - Annual Report 1999-00	08/24/2000		U, M, I, C	
PX390	ABRX0085836	ABRX0085923	IND 55974 - Annual Report 2000-01	08/20/2001		U, M, I, C	
PX391	ABRX0093703	ABRX0093892	IND 55974 - Annual Report 2001-02	08/20/2002		U, M, I, C	
PX392	ABRX0098655	ABRX0098790	IND 55794 - Annual Report 2002-03	08/25/2003		U, M, I, C	
PX393	ABRX0098945	ABRX0099259	NDA 21660 - Pre-meeting Information Package	10/20/2003		U, M, I, C	
PX394	ABRX0102470	ABRX0102515	NDA 21660 - General Correspondence: Proposed Name	04/13/2004		U, M, P, C	
PX395	ABRX0103647	ABRX0103830	IND 55974 - Annual Report 2003-04	08/11/2004		U, M, I, C	
PX396	ABRX0106026	ABRX0106028	NDA 21660 - letter re Nanozane	06/30/2003		U, M, I	
PX397	ABRX0148693	ABRX0148706	Laboratory Notebook 5 (Leslie Louie)	03/07/2000		U, M, P	
PX398	ABRX0148763	ABRX0148776	Laboratory Notebook 38 (Tim Wheeler)	02/01/1995		U, M, P, I	
PX399	ABRX0148777	ABRX0148796	Laboratory Notebook 77 (Lynn Peabody)	05/17/1996		U, M, P, I	
PX400	ABRX0148797	ABRX0148856	Labratory Notebook 92 (Leslie Louie)	02/26/1996		U, M, P, I	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX401	ABRX0148924	ABRX0148945	Laboratory Notebook 110 (Roland Gayatin)	06/10/1996		U, M, P, I	
PX402	ABRX0148946	ABRX0148996	Labratory Notebook 144 (Greg Valente)	11/06/1996		U, M, P, I	
PX403	ABRX0149183	ABRX0149227	Laboratory Notebook 17 (Neil Desai)	06/01/1993		U, M, P, I	
PX404	ABRX0149284	ABRX0149361	Laboratory Notebook 98 (Shubhi Nagrani)	04/05/1996		U, M, P, I	
PX405	ABRX0149362	ABRX0149443	Labratory Notebook 125 (Greg Valente)	08/12/1996		U, M, P, I	
PX406	ABRX0149473	ABRX0149481	Labratory Notebook 1 (Leslie Louie)	10/11/1995		U, M, P, I	
PX407	ABRX0151015.001	ABRX0151026	Laboratory Notebook 21984 (Jane Li)	07/29/1998		U, M, P, I, C	
PX408	ABRX0153941	ABRX0154098	IND 55974 Annual Report 2004-05	08/11/2005		U, M, I, C, R	
PX409	ABRX0154391	ABRX0154391	IND 55974 - Annual Report 2003-04 (cover letter)	08/11/2004		U, M, I, C	
PX410	ABRX0154470	ABRX0154475	IND 55974 - Annual Report 2004-05 (Summary of Significant Manufacturing or Microbiological Changes)	06/01/2003		U, M, R, I, C	
PX411	ABRX0154665	ABRX0154665	IND 55974 - Annual Report 2004-05 (cover letter)	08/10/2006		U, M, I, C	
PX412	ABRX0154666	ABRX0154954	ND 55974 - Annual Report 2005-06	08/10/2006		U, M, R, I, C, P, X	
PX413	ABRX0154956	ABRX0154961	IND 55974 - Request for Type B Pre-NDA Meeting	10/01/2003		U, M, R, C, P, X	
PX414	ABRX0156827	ABRX0157474	NDA 21660 - Request for Type B Pre-NDA Meeting	02/18/2003		U, M, C, P	
PX415	ABRX0159699	ABRX0160488	NDA 21660 - Amendment to a Presubmission of Item 4 (CMC) and Item 5 (Nonclinical Pharmacology and Toxicology)	07/21/2003		U, M, C	
PX416	ABRX0168607	ABRX0168998	NDA 21660 - Drug Substance Section, Drug Substance			U, M, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX417	ABRX0221356	ABRX0221357	Article - NP Desai, "Protein-Based Nanoparticles for Drug Delivery of Paclitaxel"	01/01/2000		U, M, C, P	
PX418	ABRX0274113	ABRX0274113	Disulfide Bonding in NAB	09/22/2006		U, M, I, X	
PX419	ABRX0274491	ABRX0274491	email - from Ci to Desai re investigation of disulfide bond formation	08/31/2006		U, M, I, X	
PX420	ABRX0521992	ABRX0522001	Laboratory Notebook 21871 (Ashok Patel)	02/19/1999		U, M, P, C	
PX421	ABRX0523479	ABRX0523481	Laboratory Notebook 91 (Kimberly Black)	12/22/1995		U, M, I, X	
PX422	ABRX0523482	ABRX0523482	Laboratory Notebook 94 (Paul Sandford)	03/11/1996		U, M, I, X	
PX423	ABRX0524602	ABRX0524810	Labratory Notebook 34 (Chunlin Tao)	12/14/1994		U, M, I, P	
PX424	ABRX0524811	ABRX0525011	Labratory Notebook 29 (Chunlin Tao)	10/22/1995		U, M, I, P	
PX425	ABRX0530624	ABRX0530684	Laboratory Notebook 176 (David Sahadevan)			U, M, I, C	
PX426	ABRX0530685	ABRX0530715	Laboratory Notebook 176 (David Sahadevan)	10/02/1997		U, M, C	
PX427	ABRX0530716	ABRX0530720	Laboratory Notebook 176 (David Sahadevan)	07/01/1998		U, M, C	
PX428	ABRX0530721	ABRX0530773	Laboratory Notebook 171 (Tanya Huynh)			U, M, I, X	
PX429	ABRX0530774	ABRX0530777	Laboratory Notebook (Tanya Huynh)	11/19/1997		U, M, P, I, X	
PX430	ABRX0530778	ABRX0530796	Laboratory Notebook 91 (Kimberly Black)			U, M, P, I, X	
PX431	ABRX0530802	ABRX0530805	Laboratory Notebook 21 (Roswitha Heintz)			U, M, P, I	
PX432	ABRX0530806	ABRX0530813	Laboratory Notebook 115 (Simon George)			U, M, P, I	
PX433	ABRX0530814	ABRX0530820	Laboratory Notebook 46 (Simon George)			U, M, P, I	
PX434	ABRX0530821	ABRX0530825	Laboratory Notebook 30 (Simon George)			U, M, P, I	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX435	ABRX0530865	ABRX0530883	Presentation - Monthy Report Business Analytics	03/19/2007		U, M, C, I, X, H	
PX436			DI 128			U, M, H, P	
PX452	ABRX0498572	(to ending No)	EU Submission			U, M, S, R, P, C, X	
PX453	ABRX0498745	(to ending No)	IND 55740 - Annual Report 2005-06 Draft			U, M, S, R, I, C, H, X	
PX454	ABRX0499118	(to ending No)	Draft Assessment Response			U, M, S, R, P, C, H, X	
PX456	ABRX0499736	(to ending No)	NDA 21660 - Annual Report (Summary of Manufacturing Changes)			U, M, S, R, I, C	
PX457	ABRX0515762	ABRX0515864	Laboratory Notebook 22375 (Ulagaraj Selvaraj)			U, M, S, R, C	
PX458	ABRX0515914	ABRX0515969	Laboratory Notebook 22430 (Ulagaraj Selvaraj)			U, M, S, R, C, I	
PX459	ABRX0520790	ABRX0515795	Laboratory Notebook 22430 (Ulagaraj Selvaraj)			U, M, S, R, C, I	
PX461	ABRX0517309	(to ending No)	Laboratory Notebook 23200 (McElhiney)			U, M, S, R, C, I	
PX462	ABRX0517325	(to ending No)	Labratory Notebook 22803 (Ulagaraj Selvaraj)			U, M, S, R, C	
PX463	ABRX0519627	(to ending No)	Labratory Notebook 2 Nilesh Ron)			U, M, S, R, C, P, I	
PX464	ABRX0519895	(to ending No)	Labratory Notebook 22548 (Ulagaraj Selvaraj)			U, M, S, R, C	
PX465	ABRX0519988	(to ending No)	Labratory Notebook 22636 (Villonueya)			U, M, S, R, C	
PX466	ABRX0520673	(to ending No)	Labratory Notebook 24621 (Ronnander)			U, M, S, R, C, I	
PX467	ABRX0520902	(to ending No)	Labratory Notebook 23815 (Zhu)			U, M, S, R, C, P, I	
PX468	ABRX0521732	(to ending No)	Labratory Notebook 23815 (Leslie Louie)			U, M, S, I, R, P	
PX470	ABRX0521798	(to ending No)	Labratory Notebook 176 (Shadevan)			U, M, C	
PX471	ABRX0521829	(to ending No)	Labratory Notebook 176 (Shadevan)			U, M, C	
PX472	ABRX0521834	(to ending No)	Labratory Notebook 171 (Huynh)			U, M, I, X	
PX473	ABRX0521887	(to ending No)	Labratory Notebook 171 (Huynh)			U, M, P, I, X	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX475	ABRX0521923	(to ending No)	Labratory Notebook (Chunlin Tao)			U, M, S, R, I, C, P	
PX476	ABRX0521938	(to ending No)	Labratory Notebook 29 (Neil Desai)			U, M, S, R, I, P	
PX477	ABRX0521941	(to ending No)	Laboratory Notebook 25 (Andrew Yang)			U, M, S, R, I	
PX478	ABRX0521954	(to ending No)	Laboratory Notebook (Shlomo Magdassi)			U, M, S, R, P, I	
PX479	ABRX0521961	(to ending No)	Laboratory Notebook (Shlomo Magdassi)			U, M, S, R, P, I	
PX480	ABRX0521974	(to ending No)	Laboratory Notebook (Shlomo Magdassi)			U, M, S, R, P, I	
PX481	ABRX0525022	(to ending No)	Laboratory Notebook 172 (Chunlin Tao)			U, M, S, R, P, I	
PX483	ABRX0525338	(to ending No)	Labratory Notebook 11 (Neil Desai)			U, M, S, R, I, C	
PX484	ABRX0525488	(to ending No)	Labratory Notebook 13 (Neil Desai)			U, M, S, R, I, C	
PX486	ABRX0526794	(to ending No)	Labratory Notebook 158 (Neil Desai)			U, M, S, R, I, C	
PX488	ABRX0533584	ABRX0533823	Laboratory Notebook (no number) (Neil Desai)			U, M, S, R, P, I, C	
PX489	ABRX0527474	ABRX0527811	Labratory Notebook 24 (Neil Desai)			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	
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	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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	
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	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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, R	
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		U, M, P, I, C, H	
PX535			SEC - Abraxis BioScience, Inc 10 2007	08/09/2007		U, M	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX536			SEC - Abraxis BioScience, Inc 8K 2008	03/31/2008		U, M	
PX537			SEC - Abraxis BioScience, Inc 10K 2007	03/31/2008		U, M	
PX538			Press release – APP Pharmaceuticals Launches Cefepime Hydrochloride for Injection	03/25/2008		U, M, P, I, H	
PX539	ELANP0005371	ELANP0005383	Patent Declaration of Professor Michael Edward Aulton (effective particle size)	05/11/2006		P, H, U, M Improper 702/703 opinion	
PX540	ELANP0247524	ELANP0247576	Presentation - Your Partner of Choice in Drug Optimization, Scale Up and Manufacturing			U, M, I, P, H	
PX541	ELANP0001504	ELANP0001510	US Patent Application 647,105 Rule 132 Declaration, Eugene Cooper (Jan 25, 1991)	01/25/1991		U, M, H, I	
PX542	ELANP0000964	ELANP0000979	US Patent No 4,826,689 (Violanto et al)	05/02/1989		U, M	
PX543	ELANP0304860	ELANP0304878	Declaration of Karen J Lewis			U, M, H, I	
PX544	ELANP0216843	ELANP0216844	"Albumin"			U, M, H	
PX545	ELANP0153933	ELANP0153935	Experiment - Roller Milling of 10% Taxol with 5% Tyloxapol	01/24/1996		U, M, H	
PX546	TAFT0003959	TAFT0004001	Presentation - "NanoCrystal Technology"			U, M, H	
PX547	ELANP0153966	ELANP0153973	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	03/01/1996		U, M, H	
PX548	ELANP0153958	ELANP0153965	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	02/27/1996		U, M, H	
PX549	ELANP0153950	ELANP0153957	Experimental Data - Particle Size Distribution of Taxol Nanoparticles	02/23/1996		U, M, H	
PX550	ELANP0304841	ELANP0304859	Declaration of Karen J Lewis			Duplicate of PX543 Same Objections U, M, H, I	
PX551	ELANP0018718	ELANP0018719	Chart - "Contamination Levels from Bead Washing"	1/11/1995		U, M, H, P	
PX552	ELANP0085251	ELANP0085255	Presentation excerpt - "Polymeric Grinding Media for Milling"	12/00/1993		U, M, H	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX553	ELANP0140071	ELANP0140072	Internal Memo - "Pharmaceutical Acceptability of Nanoparticle Product Contamination"	01/01/1994		U, M, H	
PX554	ELANP0122151	ELANP0122274	Article - "Particle & Powder Characterization: Particle Analysis Standardization System"			U, M, H, I, P, C	
PX555	ELANP0117909	ELANP0117928	Presentation-Oncology Program Review			U, M, H, P	
PX556	ELANP0092608	ELANP0092611	Internal Memo - "Draft minutes of Nanoparticles for oral meeting"	09/10/1990		U, M, H	
PX557	ELANP0093077	ELANP0093080	Internal Memo - "2/28/91 meeting excerpts"	02/28/1991		U, M, H	
PX558	ELANP0093016	ELANP0093020	Internal Memo - "Nano Meeting Minutes	04/02/1991		U, M, H	
PX559	ELANP0306413	ELANP0306426	Presentation - "Elan Pharmaceutical Technologies"			U, M, H, P, I	
PX560	ELANP0291054	ELANP0291054	Email - Elaine Liversidge to Steve Ruddy re About the Company	01/31/2005		U, M, H	
PX561	ELANP0083006	ELANP0083006	October 31, 1995 letter to Tom Corbett	10/31/1995		U, M, H	
PX562	ELANP0083097	ELANP0083099	March 20, 1995 letter to Tom Corbett	03/20/1995		U, M, H	
PX563	ELANP0083152	ELANP0083153	April 29, 1996	04/29/1996		U, M, H	
PX564	ELANP0298370	ELANP0298380	Pharma Development	09/26/2001		U, M, H	
PX565	ELANP0209981	ELANP0209982	Chart-Paclitaxel/Amino Acid feasibility formulations			U, M, H, I	
PX566	ELANP0312830	ELANP0312832	Summary of BMS Efficacy Data	09/25/1996		U, M, H	
PX567	ELANP0314591	ELANP0314591	Email - Elaine Liversige to Jain Rajeev et al re Nanoparticle Paclitaxel	08/01/2003		U, M, H, P	
PX568	ELANP0066193	ELANP0066392	Laboratory Notebook 5520(Nancy Peltier)			U, M, H	
PX569	ELANP0092478	ELANP0092484	Memo - "Background Material for April 20th Meeting"	10/06/1989		U, M. H, I, P	
PX570	ELANP0096321	ELANP0096520	Laboratory Notebook 5597(Nancy Peltier)	10/31/1998		U, M, H	
PX571	ELANP0092643	ELANP0092643	Email - John Bishop to Ken Cundy et al re x-ray diffraction	09/17/1990		U, M, H	
PX572	ELANP0083066	ELANP0083066	Shelf Stability of 3/6/95 Efficacy Samples	03/06/1995		U, M, H, I, P, X	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX573	ELANP0083067	ELANP0083067	Page 2 of Shelf Stability of 3/6/95 Efficacy Samples	03/24/1995		U, M, H, I, P, X	
PX574	ELANP0082999	ELANP0082999	Letter of 11/29/95 to Tom Corbett re piposulfan w/ Tween/Span	11/29/1995		U, M, H, I	
PX575	ELANP0144337	ELANP0144338	Letter of 4/29/1996 to T Corbett re piposulfan formulation	04/29/1996		U, M., H, I	
PX576	ELANP0017352	ELANP0017355	Various memo and letters re etoposide formulations	01/13/1993		U, M, H, I, P, R	
PX577	ELANP0137259	ELANP0137300	Presentation - Larry Sternson; NanoSystems Elan			U, M, H, I	
PX578	ELANP0002654	ELANP0002710	Manual - horiba Laser scattering particle size distribution analyzer			U, M, H, I	
PX579	ELANP0247578	ELANP0247590	Presentation - Drug Optimization technology platforms			U, M, H, I, P	
PX580	ELANP0217663	ELANP0217702	Presentation - IIR Conference Jan 24-26, 2000	01/24/2000		U, M, H, I, P	
PX581	ELANP0207883	ELANP0207899	Presentation - Combining Nanoparticles with Controlled Release Technology			U, M, H, I, P	
PX582	ELANP0036426	ELANP0036463	Article - "Particle Size Reduction" by Michael Shaw, et al			U, M, H, I, P	
PX583	ELANP0007029	ELANP0007032	Memo - "Nanoparticulate Oncology Agents: Proposed Action Plan for Etoposide"	02/12/1992		U, M, H.	
PX584	ELANP0005088	ELANP0005113	Article - Chp 2 Milling from The Theory and Practice of Industrial Pharmacy			U, M, I	
PX585	ELANP0306185	ELANP0306243	Presentation - CBI Conference July 2000	07/01/2000		U, M, H, I, P	
PX586	ELANP0306244	ELANP0306265	Presentation - Overview of Elan Corp			U, M, H, I, P	
PX587	ABRX0536683		Video - nab Technology			U, M	
PX588	ABRX0043138	ABRX0043141	Article - Pharmacology & Toxicology of Cremophor EL	05/01/1994		U, M, I	
PX589	ABRX0073220	ABRX0073228	Article - drawbacks of Cremophor EL	02/26/2001		U, M, I	
PX590	ABRX0152977	ABRX0152977	Particle Size Experiment - 125 nm Standard	03/18/2003		U, M, I, C	
PX591	ABRX0152978	ABRX0152978	Particle Size Experiment - ABI-007	03/18/2003		U, M, I, C	
PX592	ABRX0219835	ABRX0219865	Article - Gradishar et al, "Superior Efficacy of Albumin-Bound…"	11/01/2005		U, M, R	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX593	ABRX0221157	ABRX0221167	US Patent 5,560,933 ('933 patent)	10/01/1996		U, M, I	
PX594	ABRX0221230	ABRX0221246	US Patent 6,096,331 ('331 patent)	08/01/2000		U, M,	
PX595	ABRX0222035	ABRX0222062	Abraxane Sales Forecast			U, M, I, P, C, H	
PX596	ABRX0225531	ABRX0225533	Email - Claire Campbell to All Abraxis BioScincen Employees re record revenue	02/26/2007		U, M, C	
PX597	ABRX0267985	ABRX0268024	Presentation - Abraxane Intrinsiq Data Monthly Report January 2007	02/22/2007		U, M, I, P, C, H, X	
PX598	ABRX0509162	ABRX0509169	Abraxis Oncology - Drawing on Creativity	01/01/2004		U, M, R, I, C	
PX601	ABRX0150186	ABRX0150187	Particle size measurement ABI-007	02/07/2003		U, M, I, C	
PX602	ABRX0265868 ABRX0266793	ABRX0265869 ABRX0266798	Appearance of Lyophilized Powder Chart			U, M, I, P, C, X	
PX603	ABRX0151624.001 ABRX0152939	ABRX0151631 ABRX0152945	Laboratory Notebook 23814 (particle size experiment)	10/18/2002		U, M, I, C	
PX604	ABRX0150201	ABRX0150205	Particle size measurement ABI-007	10/29/2002		U, M, I, C	
PX605	ABRX0150211	ABRX0150214	Particle size measurement ABI-007			U, M, I, C	
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	Laboratory Notebook 22489 (Brian Griffin) p16 p16 pp50-55 p56 pp58-68 pp64-68 pp69-71 pp69-71 p74 pp75-79	05/18/2004		U, M, R, X, I, C (pages cited not included in exhibit)	
PX607	ABRX0522669	ABRX0522698	Laboratory Notebook 22489 (Brian Griffin)	05/18/2004		U, M, I, C	
PX609	ABRX0220069		Article – "Intraarterial Chemotherapy withPolyoxyethylated Castor Oil Free Paclitaxel, Incorporated in Albumin Nanoparticles (ABI-007)			U, M, I, C	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX610	ABRX0220073		Article – "A Novel Intraarterial Chemotherapy Using Paclitaxel in Albumin Nanoparticles . . ."			U, M, I, C	
PX611	ABRX0300385	ABRX0300433	Transcript – FDA Oncologid Drugs Advisory Committee 9/7/06	09/07/2006		U, M, C, H	
PX612	ABRX0220076		Article – "QA"			U, M, I, C	
PX613	ABRX0220077		Article – "Comparitive Preclinical and Clinical Pharmacokinetics . . ."			U, M. I, C	
PX614	ABRX0220079		Article – "Multicenter Phase II Trial of ABI-007 . . ."			U, M, I, C, P	
PX615	ABRX0220081		Article - "Phase I and Pharmacokinetic Study of ABI-007, a Cremophor-free, Protein-stabilized, Nanoparticle Formulation of Paclitaxel"			U, M, I, C, P	
PX616	ABRX0220083		Article – "Phase I and Pharmacokinetic Study of ABI-007 . . ."			U, M Duplicate of PX-615. Same Objections.	
PX617	ABRX0220084		Article – "Phase III Trial of Nanoparticle Albumin-Bound Paclitaxel . . ."			U, M. I, C, P	
PX618	ABRX0537649	ABRX0537673	Contract – Abraxis BioScience and Green Cross Corp			U, M, I, C, P	U
PX620	ABRX0533273	ABRX0533343	Contract – Abraxis BioScience and Tahio Pharmaceutical			U, M, I, C, P	
PX625	ELANP0037228	ELANP0037307	Licnese - Fournier			U, M, I, C, P	
PX626	ABRX0533177	ABRX0533272	License – AstraZeneca and Abraxis			U, M, I, C, P	
PX627	ABRX-NYCO0000003	ABRX-NYCO0000027	License – Kodak and Nycomed			U, M, I, C, P	
PX628	ABRX-IMCOR0000069	ABRX-IMCOR0000097	License – General Hospital Corp. and Photogen			U, M	
PX629	ABRX-ROCHE0000028	ABRX-ROCHE0000079	Licnese – Elan and Roche			U, M	
PX630	ELANP0036757	ELANP0036814	License – NanoSystems and American Home Products			U, M, I, C, P	
PX631	ELANP0036570	ELANP0036633	License – NanoSystems and American Home Products			U, M	

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
PX632	ELANP0036634	ELANP0036697	License – NanoSystems and American Home Products			U, M	
PX633	ELANP0036553	ELANP0036564	License – Elan and Wyeth			U, M	
PX634	ELANP0036565	ELANP0036569	License – Elan and Wyeth			U, M, I, C, P	
PX635	ELANP0316305	ELANP0316349	License – Elan and Janssen			U, M	
PX636	ELANP0316350	ELANP0316381	License – Elan and Vertex			U, M	
PX637	ELANP0316396	ELANP0316421	License – Elan and Vertex			U, M, I, C, P	
PX638	ELANP0037985	ELANP0038022	License – Elan and Par			U, M, I, C, P	
PX639	ELANP0037425	ELANP0037467	License – Elan and Fournier			U, M, I, C, P	
PX640	ELANP0037398	ELANP0037424	License – Elan and Fournier			U, M, I, C, P	
PX641	ELANP0038062	ELANP0038093	License – Elan and Par			U, M, I, C, P	
PX642	ELANP0038094	ELANP0038117	License – Elan and Par			U, M, I, C, P	
PX643	ELANP0036962	ELANP0036964	License – Elan and Aventis			U, M	
PX644	JAROSZ0013928	JAROSZ0014216	Exhibits to Jarosz Expert Report			U, M, I, C, P, H	
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:				Argumentative (403) as to the title

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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				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 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				Argumentative (403) as to the title P (403) D

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			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				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 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				Argumentative (403) as to the title D P (403) X incomplete statements as to summary, Rule of Completeness (403)
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				Argumentative (403) as to the title D P (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Serial No. 07/647,105, 11/18/1991 Amendment, p. 9 Serial No. 07/647,105, 11/18/1991 Amendment, p. 17				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)
DX010			Rule 1006 summary of the following documents: ABRX-MERK 379-398 ELANP36698-756 ELANP36553-564 ELANP316305-349 ABRX-IMCOR 69-97 ELANP316350-381 ELANP37308-397 ELANP314471-522 ELANP36965-010 ABRX-ROCHE182-224 ABRX-IMCOR 200-220				Argumentative (403) as to the title D P (403) I (402) X incomplete statements as to summary, Rule of Completeness (403)
DX011			Rule 1006 summary of the following documents: American Pharmaceutical Partners March 13, 2006 Definitive Proxy (DEFM14C filed with SEC) ("ABI Operations") Abraxis Information Statement dated November 8, 2007 (Form 10 filed with the SEC) Abraxis Third Quarter Report for the period ending September 30, 2007 (Form 10-Q filed with the SEC) R&D expenses are reduced by 14.7% to exclude non-Abraxane expenses R&D expenses prior to 2003 were excluded because not				Argumentative (403) as to the title D P (403) H (802) U X incomplete statements as to summary, Rule of Completeness

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			included in certified financial statements				(403) R (foundation)
DX012			Rule 1006 summary of the following documents: Elan patent U.S. 6,656,504, 2:33-36 Elan patent U.S. 6,656,504, 4:35-41 Elan patent application Serial No. 10/246,751, 9/23/2005 Amendment, p. 20 Elan patent application Serial No. 10/712,259, 7/27/2006 Amendment, p.12				Argumentative (403) as to the title D P (403) I (402) X incomplete statements as to summary, Rule of Completeness (403)
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			
DX016	ABRX0000030	ABRX0000142	File History of U.S. Patent No. 5,145,684 (Liversidge et al.)	09/08/1992			
DX019	ABRX 0000386	ABRX 0000412	United States Patent No. 5,091,188 - Haynes (Exhibit O to Amiji Opening Expert Report)	02/25/1992			
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			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
DX028	ABRX0003168	ABRX0003184	United States Patent No. 6,096,331 - Desai et al.	08/01/2000			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	Item 2 Labeling (N21660)				X (403)
DX034	ABRX0070233	ABRX0070327	Abraxane (nab paclitaxel) for Injectable Suspension	02/03/2004			
DX040	ABRX0150543.001 ABRX0150544	ABRX0150543.003 ABRX0150564	Laboratory Notebook 24076 (Maureen Connell) Trials	03/21/2003 09/24/2003			R (multiple docs) (403), X (403)
DX041	ABRX0151402 ABRX0151417 ABRX0151449 ABRX0151479 ABRX0151512 ABRX0151527 ABRX0153298 ABRX0153316 ABRX0533101 ABRX0533066	ABRX0151416 ABRX0151448 ABRX0151478 ABRX0151511 ABRX0151526 ABRX0151535 ABRX0153315 ABRX0153347 ABRX0533120 ABRX0533075	Memorandum from E. Gresham from R. Selvaraj re XRPD of ABI-007 Samples Micron Inc. Analytical Services Report #27872 Micron Inc. Analytical Services Report #28217 Micron Inc. Analytical Services Report #28757 Micron Inc. Analytical Services Report #29007 Micron Inc. Analytical Services Report #29101 Micron Inc. Analytical Services Report #33063 Micron Inc. Analytical Services Report #33370 Abraxis Research Report PD06-NP/N-004 titled, "Comparative Study on Characterization Results of Abraxane Commercial and Stability Lots" Technical Report # PD03-NP/P-020 titled, "Paclitaxel and Human Albumin Assays in Supernatant Liquid and Pellet of ABI-007 Reconstituted Suspension"	03/21/2002 03/28/2002 06/21/2002 10/21/2002 12/13/2002 01/14/2003 02/27/2006 04/21/2006			R (multiple docs), H (802) as to Memorandum from E. Gresham and Micron Inc. Analytical Services Report. X (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	ABRX0151935	ABRX0151966	Laboratory Notebook 23938 (Maureen Connell)	00/00/2002			
DX042	ABRX0151586	ABRX0151589	Laboratory Notebook 24076 (Maureen Connell)	03/25/2003			X (403)
DX043	ABRX0151591	ABRX0151595	Laboratory Notebook 24076 (Maureen Connell)	03/31/2003			X (403)
DX045	ABRX0153624	ABRX0153666	Chromatograms-ABI-007-NMR	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	NDA-21-660: Summary of Changes in the Proposed Abraxane USPI Abraxane for Injectable Suspension (paclitaxel protein-bound particles for injectable suspension)				
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
DX050	ABRX0168408 ABRX0168411	ABRX0168410 ABRX0168483	Investigation of disulfide bond induced in human serum albumin (HSA) in nab-formulations Analysis of HSA				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	Fax from Neil Desai to Leslie Vaccari re Paclitaxel	04/18/1996			H (802), P (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX062	ABRX0268569	ABRX0268600	Report - A Comprehensive Economic Analysis of Albumin-Bound Paclitaxel (Abraxane) for the Treatment of Metastatic Breast Cancer				H (802), I (402)
DX063	ABRX0279350 ABRX0279352	ABRX0279351 ABRX0279366	Introduction to Abraxane for Injectable Suspension and Related Email				
DX066	ABRX0284194	ABRX0284197	Co-Rapporteur - Quality				H (802); Opinion 702, X (403)
DX067	ABRX0287486	ABRX0287501	Presentation - Nanoparticle Size				
DX070	ABRX0382262 ABRX0392117	ABRX0382275 ABRX0392131	Abraxane Briefing Document				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	Laboratory Notebook and HSA Analysis	05/00/2000			Opinion (702, 703), X (403)
DX074	ABRX0522869	ABRX0522882	Laboratory Notebook 24076 (Maureen Connell)	03/21/2003			X (403)
DX075	ABRX0523515	ABRX0523530	CV - Michael John Hawkins, M.D.	06/18/2007			H (802), I (402)
DX076	ABRX0523585	ABRX0523601	Laboratory Notebook 00123 (Vuone Trieu)	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	Document - Background and Significance: (NCI Statement - Multifunctional Therapeutics/ Imaging Focus - nab/SPARC				H (802), Opinion (702, 703), I (402)
DX084	ABRX0527873	ABRX0527877	Document - Background and Significance				H (802), Opinion (702, 703), I (402
DX085	ABRX0527878	ABRX0527889	Document - Relevant Nanotechnology Area for ABI				H (802), Opinion (702, 703), I (402)
DX086	ABRX0527890	ABRX0527938	Document - Relevant Nanotechnology Area				H (802), Opinion (702, 703), I (402)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX087	ABRX0527939	ABRX0527961	Document - Proposal by American BioScience Inc. (ABI) for Creating Cancer Nanotechnology Drug Delivery and Targeting Platforms				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	Presentation - 2005 Key Challenges				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	Laboratory Notebook ABI/APP127753-127757	09/13/2000			X (403)
DX095	ABRX0530797	ABRX0530799	Laboratory Notebook - Paul Sanford	03/17/1996			X (403)
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	Email chain from Patrick Soon-Shiong to Christine Cassiano re Forever Grateful	10/27/2006			H (802), I (402) R (multiple docs)
DX104	ABRX0532454	ABRX0532474	Laboratory Notebook 24076 (Maureen Connell) Cryo-TEM images	09/24/2003			X (403)
DX105	ABRX0532475	ABRX0532485	Letter from Peter Frederik to Raj Selvaraj re Cyro-TEM	06/13/2002			
DX106	ABRX0532486	ABRX0532486	Chart - Albumin Isomer Ratios in Abraxane Nanoparticles				H (802), X (403), Opinion (702,703)
DX107	ABRX0532487	ABRX0532494	Report - Individual % Area Report	01/28/2003			H (802)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX108	ABRX0532495	ABRX0532495	Laboratory Notebook 26001	06/01/2006			H (802), X (403)
DX109	ABRX0532496	ABRX0532511	Graphs - HA Pellet Chromatographs	08/10/2007			
DX110	ABRX0532512	ABRX0532512	Laboratory Notebook 26001	06/01/2006			H (802), X (403)
DX111	ABRX0532513	ABRX0532520	Graphs - HA Pellet Chromatographs	08/10/2007			H (802)
DX112	ABRX0532523	ABRX0532524	Chart - Albumin Isomer Ratios in Nanoparticles of Reconstituted Abraxane (5 mg/mL Paclitaxel)				H (802)
DX113	ABRX0532525	ABRX0532526	Document - Three Pivotal Stability Batches of Abraxane				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
DX118	ABRX0536660	ABRX0536663	Letter from Patrick Soon-Shiong to John Schurig re Material Transfer Agreement	03/14/1994			H (802)
DX119	ABRX0536667	ABRX0536667	Letter from James Bergey to Patrick Soon Shiong re Preliminary Testing	12/04/1995			H (802)
DX120	ABRX0536668	ABRX0536668	Letter from James Bergey to Patrick Soon Shiong re Capxol Product	12/13/1995			H (802)
DX121	ABRX0536670	ABRX0536670	Letter from John Schurig to Patrick Soon Shiong re Agreement	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	Letter from Carol Austin-Fink 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				H (802), I (402), Opinion (702, 703)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Varying Sensitivity to Paclitaxel				
DX128	ABRX0536784	ABRX0536784	Document - Evidence of Enhanced in Vivo Efficacy at Maximum Tolerated Dose (MTD) of Nanoparticle Paclitaxel (ABI-007) and Taxol in 5 Human Tumor Xenografts of Varying Sensitivity to Paclitaxel	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 Activity in an MX-1 Human Breast Tumor Xenograft Model				H (802), I (402), Opinion (702,703)
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	Letter from Lee Ciaccio	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				

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX141	ABRX0537237	ABRX0537238	Excerpts from Micron Inc XRPD NTBK #5 and #6	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-ROCHE0000182	ABRX-ROCHE0000224	License Agreement between Elan Pharma International Limited and F. Hoffmann-LA RocheLtd and Hoffmann-LA RocheInc.	05/24/2004			
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)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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 platelets 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 Cetyltrimethylammonium 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)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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	BERKLAND00004330 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			

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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			
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX202	ELANP0018210	ELANP0018436	Laboratory Notebook 1881 (Joe Bruno)	12/27/1991			P (403) as to redacted pages, I 402 as to 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	07/02/1992	Maniar10		I (402), P (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			No. 832				
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)
DX234	ELANP0080275	ELANP0080275	Memo from Elaine Liversidge to Nancy Peltier re Busulfan	04/10/1995			H (802)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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			I (402)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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 ELANP0137359-60)		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)
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),

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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-	10/04/2005 09/27/2005			L (602); H (802) as to each document, R (403)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Bound Paclitaxel, ABI-007, Compared with Polyethylated Castor Oil-Based Paclitaxel in Women with Metastatic Breast Cancer: Results of a Phase III Trial"				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)
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
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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)
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)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX340	HAMRELL0001187	HAMRELL0000119 6	Article - Hamrelland Horowitz, "Understanding Expanded Access Programs"	00/00/1991			H (802), I (402)
DX341	HAMRELL0001197	HAMRELL0000119 8	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)
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	00/00/1988	DeGaravilla 15		I (402), P (403) H (802)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Tween 80"				
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			
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)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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 MUNSON0008060 MUNSON0007870 MUNSON0009967 MUNSON0003299 MUNSON0003730 MUNSON0003146	MUNSON0003358 MUNSON0003362 MUNSON0006521 MUNSON0005618 MUNSON0002527 MUNSON0004189 MUNSON0004557 MUNSON0005071 MUNSON0002895 MUNSON0008796 MUNSON0008061 MUNSON0007871 MUNSON0009968 MUNSON0003300 MUNSON0003732 MUNSON0003147	NMR parameter text files				Opinion 702, 703, 705, H (802)
DX378	MUNSON0009163 MUNSON0002948 MUNSON0004611 MUNSON0004613 MUNSON0003200 MUNSON0003047 MUNSON0010129 MUNSON0001594 MUNSON0001540 MUNSON0001304 MUNSON0010097 MUNSON0010001 MUNSON0010065 MUNSON0009969 MUNSON0010033 MUNSON0007570 MUNSON0007283	MUNSON0009165 MUNSON0002949 MUNSON0004611 MUNSON0004613 MUNSON0003201 MUNSON0003048 MUNSON0010132 MUNSON0001595 MUNSON0001541 MUNSON0001305 MUNSON0010098 MUNSON0010002 MUNSON0010066 MUNSON0009970 MUNSON0010034 MUNSON0007571 MUNSON0007285					Opinion 702, 703, 705, H (802)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
	MUNSON0007792 MUNSON0007602 MUNSON0003363	MUNSON0007793 MUNSON0007603 MUNSON0003365					
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			
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				

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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			
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
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	05/00/1989			I (402), P (403), H

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Bone Marrow: An Apparent Reaction to Self, Mediated by IgE Antibody to Bovine Serum Albumin (Exhibit 14 to AmijiRebuttal Expert Report)				(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
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
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 [Brittain Report Contradicts Brittain Publications]	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 [Brittain Report Contradicts Brittain Publications]	09/28/2007 00/00/1994			I (402), P (403), D, U
DX454			Blowup Version of H.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 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 [Brittain Report Contradicts Brittain Publications]	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 [Brittain Report Contradicts Brittain Publications]	09/28/2007 00/00/2000			I (402), P (403), D, U

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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 [Brittain Report Contradicts Brittain Publications]	09/28/2007 00/00/2002			I (402), P (403), D, U
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 [Brittain Report Contradicts Brittain Publications]	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 [Brittain Report Contradicts Brittain Publications]	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				U, P (403), H (802) , I (402) as to Elan Income Statements R (multiple documents)

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Expert Report)				
DX463			Chart - Oncology-Hematology Assoc. - Care Plan Template Detail Met Breast - Abraxane 100 wkly (Exhibit B to Haidak Opening Expert Report)				I (402), U
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 Brittain Opening Expert Report)	05/00/2007			U
DX472			CV - Jerry L. Atwood, PhD (Exhibit A to Atwood Opening 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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX478			CV - Samuel J. Danishefsky, Ph.D. (Exhibit A to Danishefsky Opening Expert Report)				U
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 Judgment 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
DX493			Excerpts - Shoemaker et al., "Experiments in Physical	00/00/1996			I (402), P (403), U

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			Chemistry" (Exhibit C to AtwoodSupplemental Expert Report)				
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
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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 Received samples		BARICH9		A (901), Opinion (702,703), I(402), 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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
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

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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
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	08/24/2006			I (402), P (403), U, M

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
			(Liversidge et al.)				
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, 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	Abraxis Standard Operation Procedure: SDS-PAGE (Sodium dodecyl sulfate - Poly Acrylamide gel Electrophoresis) and Western blotting	02/28/2007			H (802), Unreliable (702, 703), I (402), L (602), U

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
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 – Atwood et 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 – Atwood et al., "Frustrated Organic Solids Display Unexpected Gas Sorption"	00/00/2006			H (802); I (402), P (403) L (602), U, 611a
DX572			Article – Atwood et 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 – Atwood and Steed, "Organic Nanostructures"	12/00/2007			H (802); I (402), P, X (403) L (602), U, 611a,
DX574			Excerpts from Book – Atwood et 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),

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
							U, 611a,
DX576			Excerpts from Book – Atwood and Steed, "Encyclopedia of Supramolecular Chemistry"	00/00/2004			H (802); I (402), P, X (403) L (602), U, 611a,
DX577			Excerpts from Book – Atwood et al., "Comprehensive Supramolecular Chemistry"	00/00/1996			H (802); I (402), P, X (403) L (602), U, 611a,
DX579	ABRX0266772	ABRX0266773	Letter from N. Desai to D. Pease re Pre-IND Information Package	10/29/1996			H (802); I (402), P, X (403) L (602), U, 611a
DX580	ABRX0523694	ABRX0523768	File History of US Patent No. 5,336,507	12/11/1992	Davis 2		H (802), Unreliable (702, 703), U, X (403)
DX581	ABRX0523769	ABRX0523840	File History of US Patent No. 5,470,583	05/10/1994	Davis 1		H (802), I (402), P (403), L (602), U
DX582	ABRX0527474	ABRX0527811	Laboratory Notebook 24 (Neil Desai)	11/10/1994			H (802), I (402), P (403), L (602), U
DX583	ABRX0536672	ABRX0536682	Vivorx – Correspondence and attachments re Taxol Samples to Bristol-Myers Squibb				H (802), U, X (403) C (same document as JX041)
DX584	ABRX0000512	ABRX0000516	US Patent 2,671,750 (Macek patent)	1954			Reserved[3]
DX585	ABRX0000517	ABRX0000522	US Patent 3,881,020 (Nakamura patent)	1975			Reserved
DX586	ABRX0000529	ABRX0000533	US Patent 4,225,581 (Kreuter patent)	1980			Reserved
DX587	ABRX0000534	ABRX0000538	US Patent 4,269,821 (Kreuter patent)	1981			Reserved
DX588	ABRX0000571	ABRX0000590	US Patent 4,851,421 (Iwasaki patent)	1989			Reserved
DX589	ABRX0000634	ABRX0000640	US Patent 5,118,528 (Fessi patent)	1992			Reserved
DX590	ABRX0000641	ABRX0000646	US Patent 5,124,338 (King patent)	1992			Reserved

[3] Elan reserves all objections to Abraxis's Exhibits DX584 and above. These exhibits were added to the Parties Combined Exhibit List late the afternoon of April 21, 2008, and were neither identified nor provided in time for Elan to object before the submission of the proposed joint pre-trial order.

Ex. No.[1]	Beg. Bates. No.	End Bates No.	Description[2]	Date	Depo. Ex.	Abrxs Obj.	Elan Obj.
DX591	ABRX0000417	ABRX0000428	EP Patent 262560	1987			Reserved
DX592	ABRX0000429	ABRX0000435	EP Patent 411629	1991			Reserved
DX593	ABRX0000436	ABRX0000452	EP Patent 499299	1992			Reserved
DX594	ABRX0000453	ABRX0000469	FR Patent 2118987	1972			Reserved
DX595	ABRX0000413	ABRX0000416	DE Patent 3722837	1987			Reserved
DX596	ABRX0000511	ABRX0000511	JP Patent 2282330	1990			Reserved
DX597	ABRX0000470	ABRX0000484	GB Patent 2185397	1987			Reserved
DX598	ABRX0000485	ABRX0000509	GB Patent 2200048	1988			Reserved
DX599	ABRX0000655	ABRX0000672	WO Patent 8400294	1983			Reserved
DX600	ABRX0000715	ABRX0000732	WO Patent 9115193	1989			Reserved
DX601	ABRX0000673	ABRX0000693	WO Patent 9015593	1990			Reserved
DX602	ABRX0000733	ABRX0000779	WO Patent 9203380	1990			Reserved
DX603	ABRX0000694	ABRX0000714	WO Patent 9106292	1990			Reserved

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

[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.

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.)

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).

RESPONSE TO ELAN'S GENERAL OBJECTIONS TO ABRAXIS'S COUNTER DESIGNATIONS

Abraxis's Response:

Elan correctly states that a counter designation is proper "'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,'" but then proceeds to ignore that standard in objecting to Abraxis's counter designations. That is, Elan does *not* dispute that Abraxis's counter designations are 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. Instead, Elan argues that Abraxis's counter designations should be rejected because of their "volume" and because they are "far away" from Elan's designations. But the "volume" and location of counter designations are not factors in determining the "fairness" of presenting counter designations at the same time as affirmative designations.

Elan's "volume" objection misses the mark. Elan takes the example of Abraxis's Lianjun Shi designations and misconstrues them as 500 lines "offered against" four lines of testimony.[1] Rather, Abraxis's counter designations were made on a topic-by-topic basis, and Elan admits these same designations are offered by Abraxis against "numerous portions of Dr. Shi's deposition" on the same topic.[2] Thus, Abraxis's counter designations are a set of testimony that completes the set of testimony designated by

[1] In this example, Elan asked Dr. Shi about one experimental step in a procedure he performed without referencing all of the steps of the procedure he performed. If any of this testimony is to be played to the jury, fairness requires Dr. Shi's complete testimony regarding the procedure. Note, too, that the necessary counter designations for the Shi deposition were by far and away the most voluminous of Abraxis's counter designations.

[2] The amount of testimony counter designated by Abraxis was increased by Elan's deposition practice of repeatedly asking the same questions throughout the deposition in the hopes of eventually obtaining an answer that better suited its purposes.

Elan, and should be shown to the jury as such at the same time as Elan's selected testimony to avoid misleading the jury and insure a fair and impartial understanding of the designated deposition testimony in context.

Elan's objection that the location of Abraxis's counter designations during the depositions renders them unfair is similarly unfounded. The location of a counter designation does not determine whether it should be played at the same time for completeness. While Elan apparently disputes the *degree* of relevance of Abraxis's counter designations, it admits that Abraxis's designations *are* relevant. Any specific questions of fairness or completeness should be brought to the Court's attention and addressed case-by-case, not decided *en masse* based on the red herrings of volume or location without reference to the specific designations and counter designations.

Moreover, Abraxis's counter designations are expressly permitted under Federal Rule of Civil Procedure 32(a)(6), which states if only part of a deposition is offered "any party may itself introduce any other parts." While Elan objects to the timing of the presentation of Abraxis's counter designations, it cannot block their admission.

The cases cited by Elan do not hold that the sheer volume or location of counter designations can render them unfair to present at the same time. In *U.S. v. Noble*, the Third Circuit held that the district court did not abuse its discretion by refusing to admit the remainder of "stream-of-consciousness" prison letters that did not explain or put into context the portions admitted. 251 Fed. Appx. 792, 799 (3d Cir. 2007). In *U.S. v. Soures*, the Third Circuit held that the district court had properly excluded some excerpts from a witness's second day of grand jury testimony only after careful review of the substance of the testimony and concluding it was not necessary. 736 F.2d 87, 91 (3d. Cir.

1984). Neither case holds that volume or location are factors under F.R.C.P. 32(a)(6) or F.R.E. 106. Here, of course, Elan has not disputed relevance. Nor could it.

Elan's reliance on *Phoenix Associates III v. Stone,* 60 F.3d 95, 103 (2d Cir. 1995) is also not well considered. It would be unfair to introduce portions of testimony designated by Elan that are incomplete and misleading while excluding explanatory testimony based on other evidentiary objections. As the D.C. Circuit has stated:

> Rule 106 can adequately fulfill its function only by permitting the admission of some otherwise inadmissible evidence when the court finds in fairness that the proffered evidence should be considered contemporaneously. A contrary construction raises the specter of distorted and misleading trials, and creates difficulties for both litigants and the trial court.

U.S. v. Sutton, 801 F.2d 1346, 1368 (D.C. Cir. 1986); *see also U.S. v. Le Fevour*, 798 F.2d 977, 981 (7th Cir. 1986) ("If otherwise inadmissible evidence is necessary to correct a misleading impression, then either it is admissible for this limited purpose by force of Rule 106…or, if it is inadmissible (maybe because of privilege), the misleading evidence must be excluded too.").

ELAN'S REPLY IN SUPPORT OF ITS GENERAL OBJECTIONS TO ABRAXIS'S COUNTER-DESIGNATIONS

A. Elan generally objects that Abraxis's counter-designations violate Federal Rule of Civil Procedure 32(a)(4) and Federal Rule of Evidence 106.

Abraxis mischaracterizes Elan's general objections as pertaining only to the volume and location of Abraxis's counter-designations. To the contrary, Elan objects that Abraxis's counter-designations violate Federal Rule of Civil Procedure 32(a)(4) and Federal Rule of Evidence 106. The volume and location of Abraxis's counter-designations are merely emblematic of that violation.

Rule 32(a)(4) provides 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." Fed. R. Civ. P. 32(a)(4) (emphasis added). Similarly, Rule 106 provides that "[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." Fed. R. Evid. 106 (emphasis added). Thus, both Rule 32(a)(4) and Rule 106 contemplate that an adverse party may interrupt or distract from its opponent's case *only* if fairness so demands. *See Blue Cross and Blue Shield of New Jersey, Inc.*, 199 F.R.D. 487, 490 (E.D.N.Y. 2001). Abraxis's counter-designations are not justified by any fairness considerations. Rather, Abraxis's counter-designations:

- are irrelevant to Elan's designated portion of testimony;
- do not explain Elan's designated portion of testimony;
- do not place Elan's designated portion of testimony in context;
- do not correct misleading evidence; and

- do not ensure a fair and impartial understanding of Elan's designated portion of testimony.

As such, they are not permitted under the rules. *See U.S. v. Noble*, 251 Fed. Appx. 792, 798 (3d Cir. 2007); *U.S. v. Sources*, 736 F.2d 87,91 (3d Cir. 1984). Moreover, contrary to Abraxis's assertion otherwise, Elan does not seek an *en masse* decision as to the fairness of Abraxis's counter-designations. Elan lodged specific objections to each improper designation pursuant to the Federal Rules of Evidence. Elan's general objections merely provide an explanation as to the reasons why Elan was compelled to lodge *so many* specific objections.

B. Abraxis's counter-designations are almost uniformly irrelevant to Elan's designated portion of testimony.

That Abraxis's counter-designations violate Rules 32(a)(4) and 106 can be easily demonstrated. For example, Elan designated the following testimony:

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

In response to this simple exchange, Abraxis counter-designated 500 lines of testimony, including the following representative testimony.1

> Q: Okay, so your testimony earlier, when you spoke of disposing something in the waste glass box, you threw out the vials?
>
> A. Yeah . . .
>
> Q: The glass vials?
>
> A: Yeah, I clean it. Clean it, yeah.

[1] *See* Exh. 8-GG, Abraxis's Objections and Counter-Designations of Deposition Testimony, Witness Lianjun Shi (Abraxis's counter to Elan's designations of 103:21-23, 103:25-104:1.

Q: And threw them out?

A: Right.

Q: And is it your testimony today that you don't know the location of the cardboard packaging around the vials?

A: I can't remember. I just remember I read this paper.

****

Q: Maybe I'm not being clear. Do you know the condition that the bottles of Abraxane—

A: Uh-huh

Q: —were stored before you received them?

A: No.

Q: Do you know how Dr. Berkland stored the vials before you received them?

A: No.

****

Q: Did you do any testing to establish the purity of the second set of samples?

A: I didn't do that. That's—that was not my job.

Q: Are you aware whether Dr. Berkland did any purity testing on the second set of samples?

A: No idea. I didn't know that.

****
****

Most, if not all, of Abraxis's counter-designations—including those to Elan's designated portions of testimony from other deponents—are in a similar vein to those above, and are wholly irrelevant to the designation. As such, they have nothing to do with fairness, and should be stricken.

C. Abraxis should not be permitted to convert its improper counter-designations to affirmative designations at this late date.

Abraxis's defense of its counter-designations reveals a fundamental lack of understanding of the Federal Rules of Civil Procedure and Evidence. In its response to Elan's general objections, Abraxis states the following:

> Moreover, Abraxis's counter-designations are expressly permitted under Federal Rule of Civil Procedure 32(a)(6), which states if only part of a deposition is offered, any party may introduce other parts. While Elan objects to the timing of the presentation of Abraxis's counter-designations, it cannot block their admission.

See Response at p. 2. As a threshold matter, there is no Federal Rule of Civil Procedure 32(a)(6). Moreover, to the extent that Abraxis seeks to counter-designate testimony in response to Elan's designations, such testimony is only admissible pursuant to Federal Rule of Civil Procedure 32(a)(4) and Federal Rule of Evidence 106, which address the contemporaneous admission of testimony. If Abraxis wanted to affirmatively designate testimony to present during its case, then it was required to timely do so. Indeed, Elan provided Abraxis with its general objections in ample time for Abraxis to revise its affirmative deposition designations and counter-designations prior to the parties' submission of the Joint Pre-Trial Order. With only weeks to trial, Abraxis should not now be permitted to convert its improper counter-designations into additional affirmative deposition designations. Such a conversion would unfairly prejudice Elan, who would be forced to take time away from pressing trial preparation matters to prepare counter-designations to Abraxis's "converted" counter-designations.

D. Conclusion

Abraxis's response is nothing more than a red herring designed to divert the Court's attention from the substantive issues raised by Elan's objections. As such, it should be disregarded by the Court. Elan requests that the Court sustain Elan's general and specific objections and, as warranted, strike Abraxis's counter-designations that are improper under Federal Rule of Civil Procedure 32(a)(4) and Federal Rule of Evidence 106.

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
PATRICK SOON-SHIONG

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." • Objection at 38:19-20 - "Move to strike the nonresponsvie portion." • (FRE 701) - Improper lay opinion (42:21-43:5).	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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." • 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)	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• (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 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.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				(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" 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-	• Designated testimony does not need explanation or context. • (FRE 403) Cumulative • Proffered testimony found 156,	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			285:25	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	
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	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 226:24-228:4	• Designated testimony does not need explanation or context. • 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-			235:19-236:5; 236:17-19; 236:23-	• Designated testimony does not need explanation or context.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
235:17			237:4; 237:6-17	• (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	
238:22-239:14			239:15-22	• Designated testimony does not 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	

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

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
NEIL DESAI

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 further explain designated testimony.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
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. • (FRE 802) - Hearsay within Hearsay (48:20-25) • Depo. Obj. at 292:22 - (FRE 611(a)) - Leading the witness	

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

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

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

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

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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.	
148:16-148:22	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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				further explain designated testimony. • (FRE 403) - Confusion - proffered 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.	

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.	
187:21-187:24	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	

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.	
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.	
188:7-188:14			Same counter-designation as for Elan designation	• Designated testimony does not need explanation or context.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			184:20-185:10	• 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. • Proffered testimony does not further explain designated testimony. • Proffered testimony found 5 and 6 pages after designated testimony does not further fairness or	

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

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

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.	
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. • (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	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				(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; 296:13-297:14; 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, 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				testimony. • Proffered testimony found 10 pages before designated testimony does not further fairness or completeness.	
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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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.	
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. • (FRE 403) - Proffered testimony regarding deposition exhibit 28 is	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 exhibit 29. • (FRE 602, 701) - Lack of Personal Knowledge; Speculation • (FRE 403) - Proffered testimony regarding deposition exhibit 28	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				(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 (224:9-11)		Same counter-designation as for Elan designation 223:14-224:7	• 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	
226:3-227:4			227:18-22; 228:9; 294:7-295:1; 295:5-	• Designated testimony does not need explanation or context.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			15	• 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.	
228:15-228:17	vague, ambiguous		228:21-229:4	• Prior designated testimony provides clarity and context to 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 259:7-259:10	• Designated testimony does not need explanation or context. • 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	• Designated testimony does not need explanation or context.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			Elan designation 259:7-259:10	• 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 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	

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

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

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
308:10-308:20			309:25-310:22	• Designated testimony does not need explanation or context. • Proffered testimony does not further explain designated testimony.	
9:3 - 9:6					
197:7 - 197:16					
209:2 - 209:7	Irrelevant			• FRE 104(b) conditional relevancy, reserved for Elan's defense of counterclaims	
212:14 - 212:23			212:7 - 212:13	• Designated testimony does not need explanation or context	
31:19 - 31:19	Irrelevant, FRE 403, question fragment				
136:11 - 136:11	Irrelevant, FRE 403, question fragment				

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
MICHAEL HAWKINS (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.	
73:5-73:13			70:13-71:15	• Designated testimony does not	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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. • Probative value outweighs prejudicial, confusing, or misleading effect.	
104:21-	Vague,		110:20-23	• Proffered testimony is not relevant	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
104:23	ambiguous, lack of foundation, FRE 403			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 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	• Designated testimony does not need explanation or context.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			104:21-104:23	• 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.	
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.	

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

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. • Probative value of this evidence outweighs prejudicial, confusing, or	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
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.	
183:7-183:17			183:18-25	• Designated testimony does not need explanation or context.	

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

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
ULAGARAJ SELVARAJ

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.	
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	

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

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

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

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.	
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.	
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	

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.	
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 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.	
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	

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.	
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.	
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,	

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

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

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

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
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, 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	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
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 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;	• 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			179:3-9	not further fairness or completeness.	
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;	• 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.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			189:14-17; 190:14-17; 190:22-191:2; 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				designated testimony 206:21-207:4 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.	

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
HERBERT LEE DEPOSITION (MEDCOM 30(B)(6)) DESIGNATIONS

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

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
LESLIE LOUIE

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 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..	
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	
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. • 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	
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	• Proffered testimony does not further explain designated testimony. • Designated testimony does not need explanation or context.	

			130:6-7 130:9-11	• (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.	
184:13-184:23 184:25-185:5 185:7-185:11 185:13-185:16 185:18-185:18 185:20-185:21 185:23-186:1 186:3-186:3			193:15-18 193:20-194:1 194:25-195:2 195:5-13 195:19-20 195:22-23 196:6-8 197:10 197:16 212:10-12 223:18-21 223:23 226:24-25 227:2-3 227:5-6	• 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 deponent's response. • (FRE 402) - Irrelevant (196:6-8)	

			227:8 228:6-7 228:10 228:24-229:2 229:4 234:19-24 235:11-13 235:19-20 235:22-24	• (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	
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 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 (234:19-24)	
191:5-191:7			Same counter-designation as for Elan designation	• Proffered testimony found 5, 35, 37 and 44 pages after designated testimony does not further fairness	

191:9-191:15 191:17-191:17			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. • (FRE402) - Irrelevant (196:6-8) • (FRE 402) - Irrelevant (197:10-16) • (FRE 403) - Confusing (234:19-24)	
192:13-192:16 192:18-192:18			Same counter-designation as for Elan designation 184:13-184:23	<u>Offered Against Deposition Designation: 192:13-16; 192:18</u> • 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)	
195:25-196:1 196:4-196:4			Same counter-designation as for Elan designation 184:13-184:23	• Proffered testimony found 31, 32, 40 and 41 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)	
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. • (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)	
32:4 - 32:22	Irrelevant, FRE 403 (waste of			• FRE 401 Proffered testimony of knowledge and use of instrumentation to size particles	

	time); answer but no question 32:4-6); FRE 403, attorney colloquy (32:8-12, 21)			has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of Abraxis' knowledge and use of instrumentation for particle size outweighs consideration of undue delay or waste of time.	
79:25 - 80:4	Irrelevant, FRE 403 (waste of time); blank line of transcript (79:25)			• FRE 401 Proffered testimony of knowledge and use of instrumentation to size particles has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of Abraxis' knowledge and use of instrumentation for particle size outweighs consideration of undue delay or waste of time.	
81:3 - 81:24	Irrelevant, FRE 403 (waste o time); FRE 403, attorney colloquy (81:9, 14,16-24); irrelevant, FRE 403 (answer but no question) (81:3)			• FRE 401 Proffered testimony of knowledge and use of instrumentation to size particles has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of Abraxis' knowledge and use of instrumentation for particle size outweighs consideration of undue delay or waste of time.	

155:20 - 155:19	Irrelevant, FRE 403, question fragment.				

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.

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
LIANJUN SHI DEPOSITION

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. • Depo Obj. at 21:17 - (611(a)) -	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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.	
49:21-49:24			50:24-25; 51:2-6; 53:3-54:2; 54:5-55:11;	• Designated testimony does not need explanation or context. • Proffered testimony does not	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			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;	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. • (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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			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	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 •	
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)	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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;	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				(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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				611(a)) - Calls for Speculation	
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	

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	

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 testimony at 97:2-12 and 97:25 to 98:8 is already designated by Elan. • (FRE 611(a)) - Assumes facts not	

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	
78:15-78:16 78:18-79:9			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 23, 22, 19, 18, 17, 16 and 5 pages before	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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. • (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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 80:14-80:19			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 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.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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))	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 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			Same counter-	• Proffered testimony does not further explain designated	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
88:6-88:17			designation as for Elan designation 49:21-49:24	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 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	

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	
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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				does not further fairness or 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 question without an answer. • (FRE 602) - (112:5-8) - Lack of	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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. • Designated testimony does not need explanation or context. • Proffered testimony found 42, 37, 36, 33, 31, 30, 19, 14, 13 pages	

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

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 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)	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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) -	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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 49:21-49:24	• Proffered testimony does not further explain designated testimony. • Designated testimony does not 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)	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				611(a)) - Calls for Speculation	
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	

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	
108:24-108:25 109:2-109:3			Same counter-designation as for Elan designation	• Proffered testimony does not further explain designated testimony. • Designated testimony does not	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			49:21-49:24	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. • (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	

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	
109:7-109:21			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 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,	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				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	
110:16-110:19 110:21-111:1			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. • 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.	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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))	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				- 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	
124:25-125:1 125:3-125:19			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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				• 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. • 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;	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				(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 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	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				611(a)) - Calls for Speculation	
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	

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

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.

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
DR. DEWEY H. BARICH

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 does not further fairness or completeness. • Designated testimony does not	

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

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
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 explanatory of designated testimony.	
129:13-129:24			129:25-131:14; 212:25-213:3; 213:11-18; 213:20;	• Designated testimony does not need explanation or context. • Proffered testimony is not further	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			218:19-23; 218:25; 222:17-20; 222:22; 223:10-11	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. • 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-	• Designated testimony does not	

Elan Designations	Abraxis Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
			165:10; 165:12	need explanation or context. • Depo. Obj. at at 164:20 - (FRE 802) - Hearsay with Hearsay	

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

General Abraxis Objection:

Abraxis objects to Elan's designations of the deposition transcript of Johnson T. Wong, as they were served on April 3rd and 4th, 2008, nearly one month after the Court-ordered deadline for Elan to provide its deposition designations.

General Elan Response

Abraxis filed a declaratory judgment action and is therefore the sole plaintiff of its counterclaims that US Patent Nos. 5,399,363 and 5,834,025 are invalid and/or unenforceable. Abraxis's case-in-chief was first served on Elan, two weeks after the Court-ordered deadline. Indeed, Elan was not informed of Abraxis's abandonment of certain invalidity allegations until after April 7, 2008, after Elan's initial deposition designations were made. The additional deposition designations are Elan's response to Abraxis's case in chief and are therefore timely. Moreover, Abraxis suffered no prejudice in Elan's service of additional deposition designations as the parties stipulated that Abraxis would have an additional time (to April 14, 2008) to respond to such deposition designations.

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
Johnson Tai Wong

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
58:9 - 58:14	Irrelevant, compound (58:12-14)			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
58:16 - 58:21	Irrelevant, compound			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan	
60:14 - 60:15	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
60:17 - 60:17	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				deposition designation by Elan.	
60:19 - 61:8	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
63:4 - 63:6	Irrelevant, vague			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
63:10 - 63:10	Irrelevant, vague			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
63:13 - 63:14	Irrelevant, vague			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				deposition designation by Elan.	
65:20 - 66:1	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
133:10 - 134:23	Irrelevant; compound (134:22-23)			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
134:25 - 134:25	Irrelevant, compound			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
135:2 - 135:3	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				deposition designation by Elan.	
135:5 - 135:5	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
135:25 - 136:3	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
140:19 - 141:7	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
141:10 - 141:11	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				deposition designation by Elan.	
141:13 - 141:14	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
142:18 - 143:4	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
144:3 - 144:6	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
215:24 - 216:21	Irrelevant			• FRE 401 Proffered testimony of knowledge and use of animals in toxicology studies has the tendency to make the existence of a fact that is of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				consequence to the determination for the action more probable.	
216:23 - 217:6	Irrelevant			• FRE 401 Proffered testimony of knowledge and use of animals in toxicology studies has the tendency to make the existence of a fact that is of consequence to the determination for the action more probable.	
217:11 - 217:13	Irrelevant			• FRE 401 Proffered testimony of knowledge and use of animals in toxicology studies has the tendency to make the existence of a fact that is of consequence to the determination for the action more probable.	
276:12 - 276:13	Irrelevant, vague			• FRE 401 Proffered testimony of polystyrene being a model for solid drug has the tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Question is neither	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				unintelligible or susceptible to at least two interpretations.	
276:15 - 277:1	Irrelevant, vague			• FRE 401 Abraxis testimony regarding polystyrene being a model for solid drug makes the existence of a fact of consequence to the determination of the action more probable. • Question is neither unintelligible or susceptible to at least two interpretations	
277:3 - 277:21	Irrelevant			• FRE 401- Abraxis testimony that drugs can have adverse effects, that paclitaxel and aspirin have different adverse effects, and that polystyrene is a good model for a certain structure of a certain size that can have surface modifier makes the existence of a fact of consequence to the determination for the action more probable.	
281:4 - 281:6	Irrelevant, FRE 403 (unfairly			• FRE - 401 -Abraxis's testimony that its expert uses	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
	prejudicial, waste of time)			models in experiments to observe various effects makes the existence of a fact of consequence to the determination for the action more probable. • Probative value of Abraxis's expert use of models in experiments to observe various effects outweighs danger of unfair prejudice or by considerations of waste of time. • As FRE 403 only applies to the exclusion of relevant evidence, Abraxis's objection based on irrelevance is inconsistent.	
281:8 - 281:10	Irrelevant, FRE 403 (unfairly prejudicial, waste of time)			• FRE - 401 -Abraxis's testimony that its expert uses models in experiments to observe various effects makes the existence of a fact of consequence to the determination for the action more probable.	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				• Probative value of Abraxis's expert use of models in experiments to observe various effects outweighs danger of unfair prejudice or by considerations of waste of time. • As FRE 403 only applies to the exclusion of relevant evidence, Abraxis's objection based on irrelevance is inconsistent	
281:12 - 282:13	Irrelevant, FRE 403 (unfairly prejudicial, waste of time)			• FRE - 401 -Abraxis's testimony that its expert studies biospecific antibodies in mice makes the existence of a fact of consequence to the determination for the action more probable. • Probative value of Abraxis's expert use of mice to study biospecific antibodies	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				outweighs danger of unfair prejudice or by considerations of waste of time. • As FRE 403 only applies to the exclusion of relevant evidence, Abraxis's objection based on irrelevance is inconsistent	
282:15 - 282:18	Irrelevant, FRE 403 (unfairly prejudicial, waste of time)			• FRE - 401 -Abraxis's testimony that its expert studies biospecific antibodies in mice and targets humans in his patents makes the existence of a fact of consequence to the determination for the action more probable. • Probative value of Abraxis's expert use of mice to study biospecific antibodies and targets humans in his patents outweighs danger of unfair prejudice or by considerations of waste of time.	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				• As FRE 403 only applies to the exclusion of relevant evidence, Abraxis's objection based on irrelevance is inconsistent	
293:1 - 293:9	Irrelevant, FRE 403, no question.			• Abraxis's testimony that different active drugs such as chemotherapeutic agents compounded with different nanoparticulate are very different from each other makes the existence of a fact of consequence for the action less probable. • Probative value of Abraxis testimony that different active agents such as chemotherapeutic agents are very different from each other outweighs danger of unfair prejudice or by considerations of waste of time.	
318:19 - 319:11	Irrelevant			• FRE 401 - Abraxis's testimony that some nanoparticulate formulations	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				can be administered at ten milligrams per minute makes a fact of consequence for the action less probable.	
319:13 - 319:22	Irrelevant			• FRE 401 - Abraxis's testimony that it is feasible to administer a nanoparticulate drug at a rate of infusion of ten milligrams per minute makes a fact of consequence for the action less probable.	
319:24 - 320:2	Irrelevant			• FRE 401 - Abraxis's testimony that it is feasible to administer a nanoparticulate drug at a rate of infusion of ten milligrams per minute makes a fact of consequence for the action less probable.	
320:4 - 320:14	Irrelevant			• FRE 401 - Abraxis's testimony that it is feasible to administer a nanoparticulate drug at a rate of infusion of ten milligrams per minute makes a fact of consequence for the action less probable.	
320:16 -	Irrelevant,				

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
320:8	fragment of question and of answer.				
321:12 - 321:13	Irrelevant			• FRE 401 - Abraxis's testimony that it is feasible to administer a nanoparticulate drug at a rate of infusion of ten milligrams per minute makes a fact of consequence for the action less probable.	
322:21 - 323:2	Irrelevant		322:7-20; 323:23-324:13, 393:23-394:1, 175:11-12, 175:14-176:7	• FRE 401 - Abraxis's testimony that the '025 patent claims exactly what its experiment allowed makes a fact of consequence for the action less probable. • Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 70 pages after designated	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				testimony does not further fairness or completeness (393:23-394:1) • Proffered testimony found 148 pages before designated testimony does not further fairness or completeness. (175:11-12, 175:14-176:7)	
323:14 - 323:17	Irrelevant		322:7-20; 323:23-324:13, 393:23-394:1, 175:11-12, 175:14-176:7	• FRE 401 - Abraxis's expert testimony regarding the claim language of the '025 patent is fairly specific makes a fact of consequence for the action less probable. • Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony.	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				• Proffered testimony found 70 pages after designated testimony does not further fairness or completeness (393:23-394:1) • Proffered testimony found 148 pages before designated testimony does not further fairness or completeness. (175:11-12, 175:14-176:7)	
323:20 - 323:22	Irrelevant		322:7-20; 323:23-324:13, 393:23-394:1, 175:11-12, 175:14-176:7	• FRE 401 - Abraxis's expert testimony regarding the claim language of the '025 patent is fairly specific makes a fact of consequence for the action less probable. • Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				explain designated testimony. • Proffered testimony found 70 pages after designated testimony does not further fairness or completeness (393:23-394:1) • Proffered testimony found 148 pages before designated testimony does not further fairness or completeness. (175:11-12, 175:14-176:7)	
327:14 - 327:18	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
327:23 - 328:3	Irrelevant, no question designated for answer			• FRE 401 - Abraxis's expert testimony regarding his understanding of '025 patent claims makes a fact of consequence for the action less probable	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
328:9 - 328:12	Irrelevant, calls for legal conclusion on claim construction			• FRE 401 - Abraxis's expert testimony regarding his understanding of '025 patent claims makes a fact of consequence for the action less probable. • FRE 702 - Expert Testimony.	
328:14 - 328:14	Irrelevant, calls for legal conclusion on claim construction			• FRE 401 - Abraxis's expert testimony regarding his understanding of '025 patent claims makes a fact of consequence for the action less probable • FRE 702 - Expert Testimony	
328:16 - 329:4	Irrelevant		329:23-25, 330:2-17	• FRE 401 - Abraxis's expert testimony that a person is able to administer at five milligram per minutes or twenty milligram per minute when told to do so makes a fact of consequence for the	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				action less probable. • Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony.	
333:15 - 334:22	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan.	
376:22 - 377:3	Irrelevant, vague and ambiguous, lacks foundation			• FRE 401 - Abraxis's expert testimony that crosslinked protein can be immunogenic makes a fact of consequence for the action more probable. • FRE 702 - Proper expert testimony.	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
377:6 - 377:11	Irrelevant, vague and ambiguous, lacks foundation			• FRE 401 - Abraxis's expert testimony that crosslinked protein can be immunogenic makes a fact of consequence for the action more or less probable. • Abraxis's expert testimony that injectable drugs containing aggregated or crosslinked proteins is a concern for the FDA makes a fact of consequence for the action more or less probable. • Prior designated testimony provides clarity and context to designated portion. • FRE 702 - Proper expert testimony	
377:13 - 377:17	Irrelevant, vague and ambiguous, lacks foundation			• FRE 401 - Abraxis's expert testimony that injectable drugs containing aggregated or crosslinked proteins is a	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				concern for the FDA makes a fact of consequence for the action more or less probable. • Prior designated testimony provides clarity and context to designated portion • FRE 702 - Proper expert testimony	
377:19 - 377:21	Irrelevant, vague and ambiguous, lacks foundation			• FRE 401 - Abraxis's expert testimony that injectable drugs containing aggregated or crosslinked proteins is a concern for the FDA makes a fact of consequence for the action more or less probable. • Prior designated testimony provides clarity and context to designated portion • FRE 702 - Proper expert testimony	
377:24 - 378:7	Irrelevant, vague and ambiguous, lacks foundation			• FRE 401 - Abraxis's expert testimony that injectable drugs containing aggregated or crosslinked proteins is a	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				concern for the FDA makes a fact of consequence for the action more or less probable. • Prior designated testimony provides clarity and context to designated portion • FRE 702 - Proper expert testimony.	
378:11 - 378:20	Irrelevant			• FRE 401 Abraxis's expert testimony that examples of '025 patent represent a reasonable first experiment makes a fact of consequence for the action more or less probable.	
378:22 - 379:7	Irrelevant			• FRE 401 Abraxis's expert testimony that examples of '025 patent represent a reasonable first experiment makes a fact of consequence for the action more or less probable.	
379:9 - 379:11			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17,	• Designated testimony does not need explanation or	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
			268:19-270:5	context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
379:13 - 379:18			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
379:21 - 379:22			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				• FRE 602 lack of personal knowledge	
379:25 - 380:1			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
380:3 - 380:15			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17,	• Designated testimony does not need explanation or	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
			268:19-270:5	context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
380:17 - 380:19			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony.	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				• Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
380:21 - 380:23			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				Hearsay • FRE 602 lack of personal knowledge	
380:25 - 380:1			380:13-15, 17-19; 380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	• Designated testimony does not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
381:3 - 381:8			380:13-15, 17-19;	• Designated testimony does	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
			380:21-23, 380:25-381:8, 268:15-17, 268:19-270:5	not need explanation or context. • Abraxis's designated testimony does not further explain designated testimony. • Proffered testimony found 111 pages before designated testimony does not further fairness or completeness (268:15-17, 268:19 - 270:5) • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
392:24 - 393:22	Irrelevant			• Abraxis's expert testimony that studies described in '025 patent disclose several controls and several different rates makes a fact of consequence for the action more or less probable.	
395:8 - 395:16			399:25-400:2, 400:6-15	• Designated testimony does not need explanation or	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				context. • Abraxis's designated testimony does not further explain designated testimony. • FRE 802 Hearsay within Hearsay • FRE 602 lack of personal knowledge	
396:10 - 396:12	Irrelevant, vague and ambiguous, lack of foundation			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan. • Question is susceptible to at least two interpretations or unintelligible. • FRE 702 Proper expert	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				opinion.	
396:15 - 396:18	Irrelevant, calls for a legal conclusion			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan. • Question is susceptible to at least two interpretations or unintelligible. • FRE 702 Proper expert testimony that the claim term is definite to one of ordinary skill in the art.	
396:20 - 396:22	Irrelevant, calls for a legal conclusion			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan. • Question is susceptible to at least two interpretations or	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				unintelligible. • FRE 702 Proper expert testimony.	
396:24 - 396:24	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by Elan. • Question is susceptible to at least two interpretations or unintelligible. • FRE 702 Proper expert testimony that the claim term is definite to one of ordinary skill in the art	
397:1 - 397:3	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations relating to the '025 patent until April 7, 2008, after deposition designation by	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designation	Elan's Response	Ruling
				Elan. • Question is susceptible to at least two interpretations or unintelligible. • FRE 702 Proper expert testimony that the claim term is definite to one of ordinary skill in the art	

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

General Abraxis Objection:

Abraxis objects to Elan's designations of the deposition transcript of Edmund Crouch, as they were served on April 3, 2008, nearly one month after the Court-ordered deadline for Elan to provide its deposition designations.

General Elan Response

Abraxis filed a declaratory judgment action and is the sole plaintiff of its counterclaims that US Patent Nos. 5,399,363 and 5,834,025 are invalid and/or unenforceable. Abraxis's case-in-chief was first served on Elan, two weeks after the Court-ordered deadline. Indeed, Elan was not informed of Abraxis's abandonment of certain invalidity allegations until after April 7, 2008, after Elan's initial deposition designations were made. The additional deposition designations are Elan's response to Abraxis's case in chief and are therefore timely. Moreover, Abraxis suffered no prejudice in Elan's service of additional deposition designations as the parties stipulated that Abraxis would have an additional time (to April 14, 2008) to respond to such deposition designations.

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
81:13 - 82:1	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time. • Designated testimony does not need explanation or context. • Proffered testimony	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				• FRE 403 - Needless presentation of cumulative evidence.	
82:3 - 82:8	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				presentation of cumulative evidence.	
82:10 - 82:18	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
82:20 - 83:3	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
83:5 - 83:9	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 4 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
83:11 - 83:19	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 4 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
83:21 - 83:25	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
84:2 - 84:5	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
84:7 - 84:12	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
84:14 - 84:14	Irrelevant, waste of time		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
86:8 - 86:10	Irrelevant, waste of time, vague		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Prior designated testimony provides clarity and context to designated portion. • Designated testimony does not need	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				explanation or context. • Proffered testimony found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				without deponent's response • FRE 403 - Needless presentation of cumulative evidence.	
86:12 - 86:17	Irrelevant, waste of time, vague		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Prior designated testimony provides clarity and context to	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				designated portion • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				• FRE 402 - Relevance-Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of cumulative evidence.	
86:19 - 86:22	Irrelevant, waste of time, vague		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				delay or waste of time • Prior designated testimony provides clarity and context to designated portion • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance-Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of cumulative evidence.	
86:24 - 87:4	Irrelevant, waste of time, vague		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Prior designated testimony provides clarity and context to designated portion • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of cumulative evidence.	
87:6 - 87:13	Irrelevant, waste of time, vague		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal models has a tendency to make the existence of a fact that is of consequence to the	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Prior designated testimony provides clarity and context to designated portion • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further fairness o completeness. • FRE 403 - Confusion -	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of cumulative evidence.	
87:15 - 87:16	Irrelevant, waste of		87:17-20, 87:24-88:2, 88:4-23	• FRE 401 Proffered testimony about reliance on animal	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
	time, vague			models has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of reliance on animal models for toxicity outweighs consideration of undue delay or waste of time • Prior designated testimony provides clarity and context to designated portion • Designated testimony does not need explanation or context. • Proffered testimony found 6 pages after designated testimony does not further	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				fairness o completeness. • FRE 403 - Confusion - Counter-designation 87:17-20 is a question asked by counsel without deponent's response. • FRE 611 - Vague - Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 402 - Relevance- Counter-designation 87:17-20 is a question asked by counsel without deponent's response • FRE 403 - Needless presentation of	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				cumulative evidence.	
95:16 - 97:13	Irrelevant, FRE 403, lack of foundation (97:5-13)		93:20-23, 93:25-95:4, 97:14-18, 97:20-22.	• FRE 401 Proffered testimony about known particle sizing methods and instruments has a tendency to make the existence of a fact that is of consequence to the determination for the action more probable. • Probative value of particle sizing instruments and methodology outweighs consideration of undue delay or waste of time • Prior designated testimony provides facts and context to designated portion as to 97:5 - 13	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Objections	Elan's Response	Ruling
				• Proffered testimony does not need explanation or context. • Proffered testimony counter designated does not further fairness or completeness as it does not relate to particle size instruments or methodology of particle size instruments	

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

General Abraxis Objection:

Abraxis objects to Elan's designations of the deposition transcript of Mansoor Amiji, Ph.D., as they were served on April 3, 2008, nearly one month after the Court-ordered deadline for Elan to provide its deposition designations.

General Elan's Response:

Abraxis is the sole plaintiff of its counterclaims that US Patent Nos. 5,399,363 and 5,834,025 are invalid and/or unenforceable. Abraxis's case-in-chief was served on Elan, two weeks after the Court-ordered deadline. Indeed, Elan was not informed of Abraxis's abandonment of certain invalidity allegations until after April 7, 2008, after Elan's initial deposition designations were made. The additional deposition designations are Elan's response to Abraxis's case in chief and are therefore timely. Moreover, Abraxis was not prejudiced by the timing of Elan's designations. The parties agreed that Abraxis would have additional time (to April 14, 2008) in which to counter Elan's designations, and that a replacement Exhibit 8 would thereafter be filed on April 21. *See* Addendum A to Pre-Trial Order

DEPOSITION DESIGNATIONS, OBJECTIONS AND COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
Mansoor Amiji

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
356:19 - 357:2	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations based on alleged prior art until after March 7, 2008, after deposition designations were made by Elan.	
358:23 - 359:5	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations based on alleged prior art until after March 7, 2008, after deposition designations were	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				made by Elan.	
360:13 - 360:20	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity allegations based on alleged prior art until after March 7, 2008, after deposition designations were made by Elan.	
399:20 - 400:6			395:12-14; 395:17-19; 396:5-397:11; 397:14-21; 397:23-398:22; 398:25-399:17	• Designated testimony does not need explanation or context. • Proffered testimony does not further fairness or completeness	
426:4 - 427:4	Irrelevant			• Elan was informed of Abraxis's abandonment of certain invalidity	

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
				allegations based on alleged prior art until after March 7, 2008, after deposition designations were made by Elan.	

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

General Abraxis Objection:

Abraxis objects to Elan's designations of the deposition transcript of Michael Hamrell, as they were served on April 3, 2008, nearly one month after the Court-ordered deadline for Elan to provide its deposition designations.

General Elan Response

Abraxis filed a declaratory judgment action and is the sole plaintiff of its counterclaims that US Patent Nos. 5,399,363 and 5,834,025 are invalid and/or unenforceable. Abraxis's case-in-chief was first served on Elan, two weeks after the Court-ordered deadline. Indeed, Elan was not informed of Abraxis's abandonment of certain invalidity allegations until after April 7, 2008, after Elan's initial deposition designations were made. The additional deposition designations are Elan's response to Abraxis's case in chief and are therefore timely. Moreover, Abraxis suffered no prejudice in Elan's service of additional deposition designations as the parties stipulated that Abraxis would have an additional time (to April 14, 2008) to respond to such deposition designations.

DEPOSITION DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND OBJECTIONS THERETO
MICHAEL HAMRELL

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter Designations	Elan's Response	Ruling
7:3 - 7:7					
47:2 - 47:24	Irrelevant			• FRE 104(a), (b)	
93:10 - 93:14	Irrelevant			• FRE 104(a), (b)	
93:21 - 93:24	Irrelevant			• FRE 104(a), (b)	
94:1 - 94:16	Irrelevant			• FRE 104(a), (b)	

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

General Abraxis Objection:

Abraxis objects to Elan's designations of the deposition transcript of William J. Davis, as they were served on April 4, 2008, nearly one month after the Court-ordered deadline for Elan to provide its deposition designations. Abraxis further objects to Elan designating deposition testimony from Mr. Davis, its attorney, on the grounds that he is not unavailable to Elan and his testimony is therefore hearsay (FRE 802, 804(b)(1)).

General Elan Response:

Abraxis filed a declaratory judgment action and is the sole plaintiff of its counterclaims that US Patent Nos. 5,399,363 and 5,834,025 are invalid and/or unenforceable. Abraxis's case-in-chief was first served on Elan, two weeks after the Court-ordered deadline. Indeed, Elan was not informed of Abraxis's abandonment of certain invalidity allegations until after April 7, 2008, after Elan's initial deposition designations were made. The additional deposition designations are Elan's response to Abraxis's case in chief and are therefore timely. Moreover, Abraxis suffered no prejudice in Elan's service of additional deposition designations as the parties stipulated that Abraxis would have an additional time (to April 14, 2008) to respond to such deposition designations. See Addendum A to Pre-Trial Order.

Futhermore, Mr. Davis is not Elan's attorney. Neither is Mr. Davis a representative, agent, or employee of Elan. Accordingly, Elan has no control or custody of Mr. Davis. The designated testimony of Mr. Davis, i.e., that he had not intent to deceive the patent office is not hearsay, as it goes to the deponent's state of mind.

Elan Designations	Abraxis's Objections	Ruling	Abraxis Counter-Designations	Elan's Response	Ruling
205:19 - 20[6]:14*	Irrelevant, FRE 403, a question or an answer.			• FRE 401 - Witness testimony that he had no intent to deceive the patent office makes a fact of consequence for the action less probable. • Witness testimony that he had no intent to deceive the patent office outweighs any danger of unfair prejudice, confusion of the issues, or misleading the jury, or considerations of undue delay, waste of time, or needless presentation of cumulative evidence.	

Addendum A1

Supplemental Joint Stipulations

Addendum A1 is a supplemental list of joint stipulations between the parties. Plaintiff Elan Pharma International Limited and Defendant Abraxis BioScience, Inc. stipulate and agree to the following:

(a) Abraxis stipulates that Elan has until April 28 to object to DX0584-603. Abraxis confirms that DX0584-603 were previously produced by Abraxis during fact discovery, bearing bates numbers as indicated on Exhibit 4. The parties stipulate that Abraxis will submit a replacement Exhibit 4 to the Court on or before April 29, 2008.