IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the following questions.

VERDICT FORM

We, the jury, unanimously find as follows:

QUESTION 1: INFRINGEMENT

As to the '363 Patent ONLY:

Question No. 1(a): Literal Infringement Of '363 Patent

Question No. 1(a)(i)

Do you find that Elan has proven, by a preponderance of the evidence, that Abraxis infringes U.S. Patent No. 5,399,363 by proving that (1) the entire medicament (paclitaxel) in the particles in Abraxane® is crystalline AND that (2) the surface modifier (human albumin) on the surface of the particles in Abraxane is non-crosslinked?

Check YES (for Elan) or NO (for Abraxis):

	YES (for Elan)	NO (for Abraxis)
Is the entire medicament (paclitaxel) in the particles in Abraxane® crystalline?		
Is the surface modifier (human albumin) on the particles in Abraxane non-crosslinked?		

Question No. 1(a)(ii)

If you checked "YES" to BOTH questions above, you have found Abraxis literally infringes claims 3, 5, 10, and 11 of the '363 patent and should check "YES" below. If you checked "NO" to EITHER question, you have found Abraxis does not literally infringe the '363 patent and should check "NO" below.

Check YES (for Elan) or NO (for Abraxis):

YES (for Elan)	NO (for Abraxis)

Question No. 1(b): Infringement Of '363 Patent Under The Doctrine Of Equivalents

Question No. 1(b)(i)

Do you find that Elan has proven, by a preponderance of the evidence, that Abraxis infringes U.S. Patent No. 5,399,363 under the doctrine of equivalents by proving that (1) the entire medicament (paclitaxel) in the particles in Abraxane® is the equivalent of crystalline under the doctrine of equivalents AND that (2) the surface modifier (human albumin) on the surface of the particles in Abraxane is non-crosslinked?

Check YES (for Elan) or NO (for Abraxis):

	YES (for Elan)	**NO (for Abraxis)**
Is the entire medicament (paclitaxel) in the particles in Abraxane® the equivalent of crystalline?		
Is the surface modifier (human albumin) on the particles in Abraxane non-crosslinked?		

Question No. 1(b)(ii)

If you checked "YES" to BOTH questions above, you have found Abraxis infringes claims 3, 5, 10, and 11 of the '363 patent under the doctrine of equivalents and should check "YES" below. If you checked "NO" to EITHER question, you have found Abraxis does not infringe the '363 patent under the doctrine of equivalents and should check "NO" below.

Check YES (for Elan) or NO (for Abraxis):

YES (for Elan)	**NO (for Abraxis)**

Question No. 1(c): Inducement Of Infringement Of '363 Patent

Do you find that Elan has proven, by a preponderance of the evidence, that Abraxis has induced infringement of claims 3, 5, 10, and 11 of U.S. Patent No. 5,399,363?

Check YES (for Elan) or NO (for Abraxis):

YES (for Elan)	NO (for Abraxis)

Question No. 1(d): Contributory Infringement Of '363 Patent

Do you find that Elan has proven, by a preponderance of the evidence, that Abraxis has contributed to infringement of claims 3, 5, 10, and 11 of U.S. Patent No. 5,399,363?

Check YES (for Elan) or NO (for Abraxis):

YES (for Elan)	NO (for Abraxis)

PLEASE PROCEED TO QUESTION 2.

QUESTION 2: INVALIDITY

As to the '363 Patent:

Question No. 2(a)(i): Invalidity Of '363 Patent For Lack of Enablement Under 35 U.S.C. Section 112

Do you find that Abraxis has proven, by clear and convincing evidence, that any of the following claims of U.S. Patent No. 5,399,363 is invalid for lack of enablement?

Check YES (for Abraxis) or NO (for Elan) for each claim:

	YES (for Abraxis)	NO (for Elan)
Claim 1		
Claim 3		
Claim 5		
Claim 10		
Claim 11		

Question No. 2(a)(ii): Invalidity Of '363 Patent For Lack Of Adequate Written Description Under 35 U.S.C. Section 112

Do you find that Abraxis has proven, by clear and convincing evidence, that any of the following claims of U.S. Patent No. 5,399,363 is invalid for lack of adequate written description?

Check YES (for Abraxis) or NO (for Elan) for each claim:

	YES (for Abraxis)	NO (for Elan)
Claim 1		
Claim 3		
Claim 5		
Claim 10		
Claim 11		

As to the '025 Patent:

Question No. 2(b)(i): Invalidity Of '025 Patent For Lack of Enablement Under 35 U.S.C. Section 112

Do you find that Abraxis has proven, by clear and convincing evidence, that any of the following claims of U.S. Patent No. 5,834,025 is invalid for lack of enablement?

Check YES (for Abraxis) or NO (for Elan) for each claim:

	YES (for Abraxis)	NO (for Elan)
Claim 1		
Claim 2		
Claim 3		
Claim 13		
Claim 14		
Claim 15		

Question No. 2(b)(ii): Invalidity Of '025 Patent For Lack Of Adequate Written Description Under 35 U.S.C. Section 112

Do you find that Abraxis has proven, by clear and convincing evidence, that any of the following claims of U.S. Patent No. 5,834,025 is invalid for lack of adequate written description?

Check YES (for Abraxis) or NO (for Elan) for each claim:

	YES (for Abraxis)	NO (for Elan)
Claim 1		
Claim 2		
Claim 3		
Claim 13		
Claim 14		
Claim 15		

PLEASE PROCEED TO QUESTION 3.

QUESTION 3: UNENFORCEABILITY

As to the '363 Patent:

Question No. 3(a)(i): Inequitable Conduct Concerning '363 Patent

Do you find that Abraxis has proven, by clear and convincing evidence, that U.S. Patent No. 5,399,363 is unenforceable due to inequitable conduct?

Check YES (for Abraxis) or NO (for Elan):

YES (for Abraxis)	NO (for Elan)

Question No. 3(a)(ii): Unclean Hands Concerning '363 Patent

Do you find that Abraxis has proven, by clear and convincing evidence, that U.S. Patent No. 5,399,363 is unenforceable due to unclean hands?

Check YES (for Abraxis) or NO (for Elan):

YES (for Abraxis)	NO (for Elan)

As to the '025 Patent:

Question No. 3(b)(i): Inequitable Conduct Concerning '025 Patent

Do you find that Abraxis has proven, by clear and convincing evidence, that U.S. Patent No. 5,834,025 is unenforceable due to inequitable conduct?

Check YES (for Abraxis) or NO (for Elan):

YES (for Abraxis)	NO (for Elan)

ONLY ANSWER QUESTIONS 4 AND 5 IF YOU FIND THAT ABRAXIS HAS INFRINGED AT LEAST ONE VALID AND ENFORCEABLE CLAIM OF THE '363 PATENT. OTHERWISE, YOU ARE FINISHED, AND THE FOREPERSON SHOULD PLEASE SIGN THE SIGNATURE BLOCK BELOW.

QUESTION 4: WILLFULNESS

Has Elan proven, by clear and convincing evidence, that Abraxis's infringement of claims 3, 5, 10, and 11 of U.S. Patent No. 5,399,363 was willful?

Answer YES (for Elan) or NO (for Abraxis):

YES (for Elan)	NO (for Abraxis)

QUESTION 5: MONETARY DAMAGES

If you find that Abraxis has infringed a valid and enforceable claim of U.S. Patent No. 5,399,363, then please identify the amount of monetary damages that will compensate Elan for Abraxis's infringement from January 7, 2005 through June 12, 2008.

$_____

_____

Printed Name
Jury Foreperson