IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

DECLARATION OF ANDREW du FRESNE, CUSTODIAN OF RECORDS FOR ELAN PHARMA INTERNATIONAL LIMITED AND ELAN DRUG DELIVERY

I, Andrew du Fresne hereby declare as follows:

1. My name is Andrew du Fresne. I am more than eighteen (18) years of age, of sound mind, have not been convicted of a crime of moral turpitude or a felony, am capable of making this affidavit, and have personal knowledge of the facts stated in it, which are true and correct.

2. I am the custodian of certain records of Elan Pharma International Limited and/or Elan Drug Delivery and/or their predecessors-in-interest. During discovery in the above-referenced case, Elan Pharma International Limited produced to Abraxis BioScience, Inc. records from the files of Elan Pharma International Limited, Elan Drug Delivery and/or their predecessors-in-interest, which are more fully identified on Exhibit A to this Declaration.

3. These records were kept by Elan Pharma International Limited and/or Elan Drug Delivery and/or their predecessors-in-interest in the course of a regularly conducted business activity. It was the regular practice of that business activity for an employee or representative of the business with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record. The records were made at or near the time of the act, event, condition, opinion or diagnosis recorded. The records are true and correct copies of the originals.

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

5. FURTHER AFFIANT SAYETH NOT.

Executed this 1st day of June 2008 in King of Prussia, PA

Exhibit A

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