REDACTED – PUBLIC VERSION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELAN PHARMA INTERNATIONAL LIMITED, Plaintiff, v. ABRAXIS BIOSCIENCE, INC., Defendant.	Case No. 06-438-GMS **FILED UNDER SEAL** **DECLARATION OF PAUL F. COYNE IN SUPPORT OF DEFENDANT'S MOTION FOR SANCTIONS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11**

I, Paul F. Coyne, declare as follows:

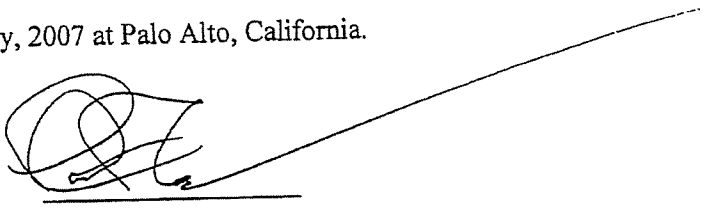
1. I am an attorney admitted to practice in the State of California, and I am admitted pro hac vice in the above-captioned action. I am an associate with the law firm of Morrison & Foerster LLP, attorneys for Abraxis BioScience, Inc. ("Abraxis") in the above captioned action. I submit this Declaration in Support of Defendant's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11. I have personal knowledge of the matters set forth herein, and if called upon to do so, I could and would competently testify thereto.

2. On February 21, 2007, at 2:30 p.m. (PST), Emily Evans, and I met and conferred with counsel for Elan by telephone, regarding several discovery issues. Elan was represented on that call by Steve Scheve, Linda Glover, Paul Fehlner, and Lisa Chiarini. During that call, Paul Fehlner stated that they had conducted tests to determine whether the paclitaxel in Abraxane is crystalline, and that the results of those tests were "inconclusive, not negative."

3. Attached hereto as Exhibit A is a true and correct copy of a January 31, 2007 letter, with enclosure, from Michael Jacobs to Steve Scheve.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of February, 2007 at Palo Alto, California.



Paul F. Coyne

CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on February 26, 2007, I caused copies of the foregoing document to be served upon the following counsel in the manner indicated:

BY E-MAIL AND HAND DELIVERY

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Attorneys for Defendant
ABRAXIS BIOSCIENCE, INC.

CERTIFICATE OF SERVICE

I, Elena C. Norman, Esquire, hereby certify that on March 28, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Steven J. Balick, Esquire
ASHBY & GEDDES
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I further certify that on March 28, 2007**,** I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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EXHIBIT A

REDACTED IN ITS ENTIRETY