IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ZYMOGENETICS, INC., a Washington Corporation, Plaintiff, v. BRISTOL-MYERS SQUIBB CO., a Delaware Corporation, and DOES 1 through 100, Defendants.	)	C.A. No. 06-500-SLR

PLAINTIFF ZYMOGENETICS INC.'S MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT OF THE PATENTS-IN-SUIT

Plaintiff ZymoGenetics, Inc. ("ZymoGenetics") hereby requests the Court grant judgment pursuant to Federal Rule of Civil Procedure 56 finding that Defendant Bristol-Myer Squibb Co. ("Bristol") has and continues to infringe U.S. Patent No. 5,843,725 ("the '725 Patent") and U.S. Patent No. 6,018,026 ("the '026 Patent") pursuant to 35 U.S.C. § 271. The clear evidence will show that all of the elements disclosed in the asserted claims of the '026 Patent are found in Bristol's Orencia® product. Additionally, the clear evidence will show that all of the elements disclosed in the asserted claims of the '725 Patent were performed to produce Bristol's Orencia® product.

For the foregoing reasons, and for those set forth in ZymoGenetics' memorandum of points and authorities in support of this motion filed herewith, and all the documents

and papers filed in this case and all oral argument the Court may request, ZymoGenetics respectfully requests that the Court grant its Motion.

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Dated: May 16, 2008
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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on May 16, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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