**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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

**BRISTOL-MYERS SQUIBB COMPANY'S**
**MOTION FOR SUMMARY JUDGMENT OF NO WILLFULNESS**

Defendant Bristol-Myers Squibb Company ("Bristol") hereby moves the Court for summary judgment of no willfulness and dismissal of Plaintiffs' claims for enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285. The grounds for the Motion are more fully set forth in Bristol's Opening Brief In Support of Its Motion for Summary Judgment of No Willfulness, the Declaration of John W. Kirkland in Support of Bristol's Motion for Summary Judgment of No Willfulness, and Bristol's Statement of Undisputed Facts in Support of Its Motion for Summary Judgment of No Willfulness, all being filed contemporaneously herewith.

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Dated: May 16, 2008

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*Bristol-Myers Squibb Co.*

**UNITED STATES DISTRICT COURT**
**DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 16, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and caused the same to be served on the plaintiff at the address and in the manner indicated below:

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| Defendants. | ) | |

**ORDER**

WHEREAS, Defendant Bristol-Myers Squibb Company, having moved this Court for an Order granting summary judgment of no willfulness and dismissal of Plaintiff ZymoGenetics' claims for enhanced damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285;

WHEREAS, the Court having considered the submissions of the parties,

IT IS HEREBY ORDERED this ____ day of _____, 2008 that the Motion is GRANTED.

_____
United States District Judge