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 **PUBLIC VERSION**

DECLARATION OF PAUL EDWARD PURDUE, PH.D. IN SUPPORT OF ZYMOGENETICS, INC.'S MOTION FOR SUMMARY JUDGMENT OF VALIDITY OF PATENTS-IN-SUIT WITH RESPECT TO THE CAPON AND SEED PATENTS

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Dated: May 16, 2008
Public Version: May 22, 2008

I, PAUL EDWARD PURDUE, PH.D., declare:

1. I have been hired by the Plaintiff ZymoGenetics, Inc. ("ZymoGenetics") to provide an expert opinion regarding the validity of United States Patent No. 5,843,725 ("the '725 Patent") and United States Patent No. 6,018,026 ("the '026 Patent"). I have personal knowledge of the facts set forth in this Declaration and can testify competently to those facts.

2. In my opinion, one of ordinary skill in the art is a person with an undergraduate degree in the biological sciences, and either at least two years of laboratory experience working in recombinant DNA technology or a graduate degree in the biological sciences. I am qualified as one of ordinary skill in the art because I have obtained a Ph.D. in Molecular Biology from the University of Edinburgh.

3. I have been informed that conception of an invention occurs when an idea is definite and permanent enough in the inventor's mind that one skilled in the art could understand the invention. Conception is proven by corroborating evidence such as testimony by the inventor or others of ordinary skill in the art. I have also been informed that reduction to practice of an invention occurs when one constructed an embodiment or performed a process of the invention, and determined that the invention would work for its intended purpose.

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REDACTED

REDACTED

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REDACTED

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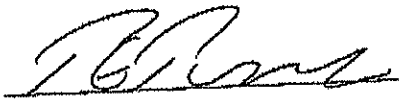
REDACTED

REDACTED

13. A true and correct copy of my expert report served January 25, 2008 regarding the conception and reduction to practice of the invention of the '725 and' '026 Patents and the validity of the '725 and the '026 Patents is attached hereto as Exhibit 1 and fully sets forth my opinions.

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

Executed in New York, NY on May 16, 2008.

By: 

Paul Edward Purdue, Ph.D.

EXHIBIT 1

THIS EXHIBIT HAS BEEN REDACTED IN ITS ENTIRETY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on May 22, 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.

BY HAND DELIVERY AND E-MAIL

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I hereby certify that on May 22, 2008 I have sent by E-mail the foregoing document to the following non-registered participant:

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