**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF DELAWARE**

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|---|---|
| ZYMOGENETICS, INC., a Washington Corporation,<br><br>Plaintiff,<br><br>v.<br><br>BRISTOL-MYERS SQUIBB CO., a Delaware Corporation, and DOES 1 through 100,<br><br>Defendants. | C.A. No. 06-500-SLR<br><br>**PUBLIC VERSION** |

**DECLARATION OF PAUL J. ANDRE IN SUPPORT OF PLAINTIFF ZYMOGENETICS, INC.'S REPLY IN SUPPORT OF MOTION TO EXCLUDE TESTIMONY OF BRISTOL-MYERS SQUIBB CO.'S EXPERTS**

Philip A. Rovner (#3215)
POTTER ANDERSON & CORROON LLP
Hercules Plaza
P. O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com

Attorneys for Plaintiff
ZymoGenetics, Inc.

OF COUNSEL:

Paul J. Andre
Lisa Kobialka
KING & SPALDING LLP
1000 Bridge Parkway
Suite 1000
Redwood City, CA 94065
(650) 590-0700

Dated: June 13, 2008
Public Version: June 20, 2008

I, PAUL J. ANDRE declare:

1. I am an attorney with the law firm of King & Spalding LLP, counsel of record for Plaintiff ZymoGenetics, Inc., ("ZymoGenetics"). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

2. Attached hereto as Exhibit 1 is a true and correct copy of pages 30-36 and 60-69 from the transcript of the deposition of Jeffrey Ravetch, taken on May 20, 2008.

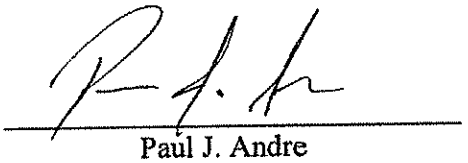
3. Attached hereto as Exhibit 2 is a true and correct copy of pages 166-169, 212-216, and 239-244 from the transcript of the deposition of Daniel Capon, taken on May 2, 2008.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Disclosure of Expert Testimony for David A. Ostrov, Ph.D., dated October 17, 2007.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of Jeffrey V. Ravetch, M.D., Ph.D. in Support of Bristol-Myers Squibb's Response to Plaintiff ZymoGenetics, Inc.'s Statement of Material Facts as to Which There is No Genuine Issue to Be Tried and Legal Issues in Support of Plaintiff's Motion for Summary Judgment of Validity of Patents-In-Suit with Respect to the Capon Patents and Seed Patent, dated June 2, 2008.

I declare under penalty of perjury under the laws of the State of California and the United States that each of the above statements is true and correct.

Executed on June 13, 2008 in Redwood Shores, California.



Paul J. Andre

# EXHIBIT 1

THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY

# EXHIBIT 2

THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY

# EXHIBIT 3

THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY

# EXHIBIT 4

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 June 20, 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**

Frederick L. Cottrell, III, Esq.
Kelly E. Farnan, Esq.
Richard Layton & Finger, P.A.
One Rodney Square
P. O. Box 551
Wilmington, DE 19899
cottrell@rlf.com
farnan@rlf.com

I hereby certify that on June 20, 2008 I have sent by E-mail the foregoing document to the following non-registered participant:

Christopher P. Borello, Esq.
Colleen Tracy, Esq.
Fitzpatrick Cella Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112
cborello@fchs.com
ctracy@fchs.com

/s/ Philip A. Rovner
Philip A. Rovner (#3215)
Potter Anderson & Corroon LLP
Hercules Plaza
P. O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com

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