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.	)	Civil Action No: 06-500-SLR-MPT **REDACTED PUBLIC VERSION**

DECLARATION OF DAVID M. KELLY IN SUPPORT OF BRISTOL-MYERS SQUIBB COMPANY'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT OF NO WILLFULNESS

I, David M. Kelly, hereby declare the following:

1. I am an associate with the law firm of Fitzpatrick, Cella, Harper & Scinto, attorneys for Defendant Bristol-Myers Squibb Company in this action. I submit this Declaration in support of Bristol's Reply Brief In Support of Its Motion For Summary Judgment of No Willfulness.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the Transcript of the September 11, 2007 Deposition of Jeffrey Ledbetter, Ph.D., p. 84.

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

Executed this 25th day of August, 2008, in New York, New York.

David M. Kelly

Exhibit 1
Redacted In Its Entirety

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

BY HAND DELIVERY AND E-MAIL

Philip A. Rovner
Potter, Anderson & Corroon
Hercules Plaza - 6th Floor
Wilmington, DE 19899

I hereby certify that on August 25, 2008, the foregoing document was sent to the following non-registered participants in the manner indicted:

BY E-MAIL

Paul J. Andre
King & Spalding, LLP
1000 Bridge Parkway
Suite 100
Redwood Shores, CA 94065

/s/ Kelly E. Farnan
Kelly E. Farnan (#4395)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

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