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-***

ZYMOGENETICS, INC.'S
NOTICE OF DEPOSITION OF DEFENDANT BRISTOL-MYERS SQUIBB CO.
PURSUANT TO FED. R. CIV. P. 30(b)(6)

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff ZymoGenetics, Inc. ("ZymoGenetics") will take the deposition of Defendant Bristol-Myers Squibb Co. ("Bristol-Myers") at the law offices of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, or at such other time and place upon which counsel may mutually agree. The deposition will be taken before a notary public or some other person duly authorized to administer an oath, and will be recorded stenographically, and may also be recorded by videotape and audio tape, and may be recorded in real time. Testimony shall be taken beginning September 18, 2007, commencing at 9:30 a.m. and continuing until completed, or at some other mutually agreeable date and time. The deposition will be taken for the purposes of discovery, to perpetuate the testimony of witness(es) for use at trial, and for all

other purposes permitted under the Federal Rules of Civil Procedure, the Local Rules of this Court, or any other applicable rules.

PRELIMINARY STATEMENT

Bristol-Myers shall designate one or more persons to testify regarding the topics listed below, in accordance with the following Definitions/Instructions.

DEFINITIONS

A. The term "ZymoGenetics" shall mean Plaintiff ZymoGenetics, Inc.

B. The term "Bristol-Myers" shall mean Defendant Bristol-Myers Squibb Co., and any of its predecessors-in-interest, divisions, subsidiaries, officers, directors, trustees, employees, staff members, paid consultants, agents, counsel, or other representatives.

C. The term "patents-in-suit" shall mean U.S. Patent Nos. 6,843,725 and 6,018,026.

D. The term "'725 patent" means U.S. Patent Nos. 6,843,725.

E. The term "'026 patent" means U.S. Patent No. 6,018,026.

F. The term "Bristol-Myers fusion protein product(s)" means Orencia®, abatacept, CTLA4-Ig and/or any structural, chemical, or functional variant or related fusion protein that has received approval from the United States Food and Drug Administration.

G. The term "FDA" means the United States Food and Drug Administration.

H. The connective "and/or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of the discovery request all responses that otherwise might be construed to be outside of its scope. The term "all" shall mean "any and all," and the term "any" shall mean "any and all." The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

I. The term "referring or relating to" means concerning, mentioning, indicating, disclosing, discussing, analyzing, serving as a basis for, supporting, describing, or in any other way bearing upon or illuminating the subject matter into which the inquiry is made.

J. The term "communication" or "communications" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

TOPICS

1. Decision(s) made by Bristol-Myers on whether to seek opinion of counsel regarding the patents-in-suit.

2. The factual basis for any defense Bristol-Myers asserts against ZymoGenetics' claim of willful infringement.

3. To the extent Bristol-Myers intends to rely on opinion(s) of counsel as a defense to ZymoGenetics' claim of willful infringement, the opinion that Bristol-Mysers intends to rely upon.

4. Any good-faith belief held by Bristol-Myers that any of the patents-in-suits are invalid or not infringed by Bristol-Myers.

POTTER ANDERSON & CORROON LLP

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Dated: August 29, 2007
815612

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on August 29, 2007, 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 August 29, 2007 I have sent by E-mail the foregoing document to the following non-registered participant:

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