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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

STIPULATED AMENDED SCHEDULING ORDER

IT IS HEREBY STIPULATED AND AGREED by the parties hereto, by and through their undersigned counsel and subject to approval of the Court, that the November 3, 2006 Scheduling Order, the May 23, 2007 Stipulated Amended Scheduling Order and the August 6, 2007 Stipulated Amended Scheduling Order in this matter be and hereby is amended as follows:

3. Discovery.

c. Discovery Cut Off. Fact discovery in this case shall be initiated so that it will be completed on or before October 12, 2007 for the remaining depositions and outstanding discovery requests of the parties. Expert discovery shall be initiated so that it will be completed by January 3, 2008.

d. Disclosure of Expert Testimony. Unless otherwise agreed to by the parties, they shall file their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony on October 19, 2007 and file a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party on November 16, 2007. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell*

Dow Pharm., Inc., 509 U.S. 579 (1993), it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court.

9. Tutorial Describing the Technology and Matters in Issue. The parties shall provide the Court by October 17, 2007, a tutorial on the technology at issue. In that regard, each party may submit a videotape of not more than 30 minutes. The parties will address whether or not to present the tutorial in person with the Court at a later date after the matter is assigned to a Judge. In either event, the tutorial should focus on the technology in issue and should not be used to argue the parties' claims construction contentions. If the parties choose to file videotapes, they should be filed under seal as part of the Court's file, subject to any protective order in effect. Each party may comment, in writing (in no more than 5 pages) on the opposing party's videotape tutorial. Any such comment shall be filed within ten (10) days of submission of the videotapes.

10. Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before February 22, 2008, with the answering brief and supporting affidavits due 30 days after the opening brief, and the reply brief and supporting affidavits due 14 days after the answering brief.

11. Claim Construction Issue Identification. If the Court does not find that a limited earlier claim construction would be helpful in resolving the case, on November 27, 2007, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those term(s)/phrase(s). This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted pursuant to paragraph 12 below. The parties' Joint Claim Construction Chart should identify for the Court the term(s)/phrase(s) of the claim(s) in issue, and should indicate each party's proposed construction of the disputed claim language

with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon are to be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

12. Claim Construction. Issues of claim construction in the form of the parties' Joint Claim Construction Chart and supporting documents set forth in paragraph 11 shall be submitted to the Court no later than December 28, 2007. The parties shall serve and file opening claim construction briefs on February 22, 2008 and rebuttal briefs on March 21, 2008, all of which will be considered by the Court in conjunction with the parties' summary judgment motions.

* 13 Hearing on Claim Construction. Beginning at 9:00 a.m. on May 2, 2008, the Court will hear evidence and argument on claim construction and summary judgment.

In all other respects, the November 3, 2006 Scheduling Order as amended on May 23, 2007 and August 6, 2007 shall remain in full force and effect. **All paragraphs with an asterick (*) and the dates contained in paragraphs 15 and 18 of the prior scheduling orders are tentative dates subject to change.**

/s./Philip A. Rover
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Dated: September 20, 2007

Dated: September 20, 2007

IT IS SO ORDERED this 21 day of September, 2007.

UNITED STATES MAGISTRATE JUDGE