IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN, INC., ALLERGAN SALES, LLC, Plaintiffs, v. ALCON, INC., ALCON LABORATORIES, INC., and ALCON RESEARCH, LTD., Defendants.	C.A. No. 04-968-GMS

DECLARATION OF SEAN P. HAYES IN SUPPORT OF PLAINTIFFS' OPPOSITION TO ALCON'S MOTION FOR LEAVE TO AMEND ITS ANSWER

I, Sean P. Hayes, declare as follows:

1. I am an associate of the law firm of Fish & Richardson P.C. and am counsel for Plaintiffs Allergan, Inc. and Allergan Sales, LLC, in the above-captioned matter.

2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the parties' November 22, 2004 scheduling conference before the Court.

3. Attached hereto as Exhibit B is a true and correct copy of defendants' April 11, 2005 notice of deposition of Orest Olejnik.

4. Attached hereto as Exhibit C is a true and correct copy of defendants' July 5, 2005 notice of deposition of Carlos Fisher.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts of the rough transcript of the August 4, 2005 deposition of Patrick Ryan. The parties have not yet received the revised transcript.

6. Attached hereto as Exhibit E is a true and correct copy of a letter dated July 12, 2005 from M. Veronica Mullally to Michael Kane regarding defendants' invalidity contentions.

7. Attached hereto as Exhibit F is a true and correct copy of defendants' privilege log, revision date August 5, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 9, 2005

/s/ *Sean P. Hayes*
Sean P. Hayes

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2005, I electronically filed the attached **DECLARATION OF SEAN P. HAYES IN SUPPORT OF PLAINTIFFS' OPPOSITION TO ALCON'S MOTION FOR LEAVE TO AMEND ITS ANSWER** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building, 17th Floor
1000 West Street
P.O. Box 391
Wilmington, DE 19899-0391

I hereby certify that on August 9, 2005, I have sent via Federal Express, the document(s) to the following non-registered participants:

Brian D. Coggio, Esq.
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103-0001

/s/ *Sean P. Hayes*
Sean P. Hayes

60308881.doc