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.	Civil Action No. 04-968-GMS

DECLARATION OF WILLIAM J. MARSDEN, JR.

I, William J. Marsden, Jr., declare as follows:

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

2. Attached hereto as Exhibit A is a proposed order with claim constructions for the disputed limitations.

3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 6,673,337.

4. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 6,641,834.

5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from Allergan's 10K for the year 2004.

6. Attached hereto as Exhibit E is a true and correct copy of the approved labeling for Alphagan®.

7. Attached hereto as Exhibit F is a true and correct copy of the approved labeling for Alphagan® P.

8. Attached hereto as Exhibit G is a true and correct copy of the prosecution history for U.S. Patent No. 6,641,834.

9. Attached hereto as Exhibit H is a true and correct copy of U.S. Provisional Patent Application No. 60/218,200.

10. Attached hereto as Exhibit I is a true and correct copy of U.S. Patent No. 6,627,210.

11. Attached hereto as Exhibit J is a true and correct copy of the prosecution history for U.S. Patent No. 6,627,210.

12. Attached hereto as Exhibit K is a true and correct copy of the prosecution history for U.S. Patent No. 6,673,337.

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

Dated: May 2, 2005

FISH & RICHARDSON P.C.

By: */s/ William J. Marsden, Jr. (#2247)*

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2005, I electronically filed with the Clerk of Court the DECLARATION OF WILLIAM J. MARSDEN, JR. using CM/ECF which will send notification of such filing(s) to the following:

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

I hereby certify that on May 2, 2005, I have sent by Federal Express, the above document to the following non-registered participants:

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/s/ William J. Marsden, Jr. (#2247)
William J. Marsden, Jr.

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