IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Argentum Medical, LLC,

Plaintiff,

v.

Noble Biomaterials,

Derma Sciences, Inc.,

Defendants.

No. 07 cv 6769

Hon. George W. Lindberg
Magistrate Judge Cole

Declaration Of Robert C. Cole

I, Robert C. Cole, declare as follows:

1. I am over eighteen years of age, and I am Executive Vice President for Sales for Defendant Derma Sciences, Inc. ("Derma").

2. I have held my current position since 2006, and I joined Derma as a Vice President – Sales and Marketing in 2003. As Executive Vice President for Sales, my responsibilities include being familiar with Derma's products and managing Derma's sales. I also am familiar with Derma's operations, physical locations, and its place of incorporation. Therefore, I have personal knowledge of the following facts.

3. Derma is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and headquartered in Princeton, New Jersey.

4. Derma is in the business of manufacturing, marketing, and selling wound and skin care products.

5. I have obtained and reviewed a copy of the Amended Complaint in this case, including U.S. Patent No. 7,230,153 (the "'153 patent") which is attached to the Complaint.

6. Derma has not had and does not have any role in the design or manufacture of Silver Seal dressings. Instead, Derma buys all of its Silver Seal dressings pursuant to a Distributorship Agreement with a company called Noble Fiber Technologies, LLC ("Noble Fiber"). A true and correct copy of the Distributorship Agreement is attached to this Declaration as Exhibit A.

7. In the Distributorship Agreement, Noble Fiber warranted to Derma that it would comply with all applicable laws and indemnify Derma in connection with any valid patent infringement claim. (Distributorship Agreement at ¶ 11(b).)

8. The Distributorship Agreement contains a forum selection clause directing disputes between Derma and Noble Fiber to the Middle District of Pennsylvania or Pennsylvania state courts. (Distributorship Agreement at ¶ 13(i).)

9. Derma began selling Silver Seal dressings in April 2005. To date, Derma's revenues from the sale of Silver Seal dressings total $901,482.74, of which only $5,002.00 was derived from sales to a customer in Illinois. Moreover, Derma's last sale to any customer in Illinois was on June 7, 2007.

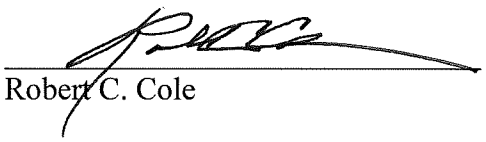
10. Approximately 75% of the Silver Seal dressings are sold to the U.S. Department of Defense and shipped to a depot in the vicinity of Philadelphia, Pennsylvania. The balance of the Silver Seal products are sold to a variety of distributors and end-users throughout the United States.

11. Noble Biomaterials and affiliated entities are all based in Scranton, Pennsylvania. Therefore, to the best of my knowledge, all witnesses with knowledge of the design, structure, and operation of Silver Seal dressings are located in and around Scranton, Pennsylvania.

12. Derma agrees to be bound by the outcome of Argentum's infringement case versus Noble Biomaterials.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: May 16, 2008



Robert C. Cole