

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THE JOHNS HOPKINS UNIVERSITY, a	:	Case No. 94-105 RRM
Maryland corporation, BAXTER	:	
HEALTHCARE CORPORATION, a Delaware:	:	
corporation, and BECTON DICKINSON	:	
AND COMPANY, a New Jersey corporation,	:	
	:	
Plaintiffs,	:	
	:	
	:	
v.	:	
	:	
CELLPRO, INC., a Delaware corporation,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF DR. GORDON L. PHILLIPS**

## DECLARATION OF DR. GORDON L. PHILLIPS

I, Gordon L. Phillips, M.D., do hereby declare:

1. I am the Director of the Blood and Bone Marrow Transplant Program at the Markey Cancer Center and a Professor of Medicine at the University of Kentucky. A copy of my curriculum vitae is attached.
2. I am familiar with the CellPro CEPRATE® SC stem cell concentrator, and I have used that device for "purified" autologous stem cell transplantation following high dose chemotherapy treatment for lymphoma and myeloma. (I have also used the CEPRATE® SC device for an allogeneic transplant.) In the future I intend to use the CEPRATE® SC device in other high dose chemotherapy protocols with an emphasis on autologous transplants.
3. Compared to conventional protocols, use of the CEPRATE® SC device has the advantages of proven efficacy, reproducibility, and ease of use. The availability of an FDA approved product, such as the CEPRATE® SC device, makes it much easier to get experimental treatment protocols approved, as well as to recruit patients to undergo those treatments.
4. There is a compelling public interest in maintaining the availability of the CEPRATE® SC device in view of the emerging consensus that the transplant of inadequately purified stem cell suspensions are a cause of post-transplant failure. The CEPRATE® SC device significantly reduces the tumor volume reinfused

into the patient. Moreover, the CEPRATE® SC device is the only readily available product or method for achieving this goal.

I further declare subject to the penalty of perjury that the foregoing is true and correct.

Executed April 7, 1997 at Lexington, Kentucky.

  
Gordon L. Phillips, M.D.

**Gordon L. Phillips  
Director, BMT Program  
University of Kentucky  
Curriculum Vitae**

**I. Biographical Data:**

**Home Address:**

2112 Island Point  
Lexington, KY 40502  
(606) 268-6002

**Office Address:**

Markey Cancer Center, CC301  
800 Rose Street  
Lexington, KY 40536-0093  
(606) 323-5768

**S.S.N:** 447-44-5838

**Birth Date:** 09-02-44

**Marital Status:** married

**Children:** two

**II. Education:**

**A. Degrees:**

1966 BA, University of Oklahoma  
1971 MD, University of Oklahoma School of Medicine

**B. Special Professional:**

1971-1972 Internship, Internal Medicine, University of Oklahoma Medical Center,  
Oklahoma City, Oklahoma  
1972-1974 Residency, Internal Medicine, University of North Carolina School of  
Medicine, Chapel Hill, North Carolina  
1974 American Board of Internal Medicine  
1974-1975 Clinical Fellow, Hematology/Oncology, Washington University School  
of Medicine, St. Louis, Missouri  
1975-1977 Research Fellow, Hematology/Oncology, Washington University  
School of Medicine, St. Louis, Missouri  
1979 American Board of Medical Oncology