

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
Adrian M. Pruetz (Bar No. 118215)
2 Jeffrey N. Boozell (Bar No. 199507)
865 South Figueroa Street, 10th Floor
3 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
4 Facsimile: (213) 443-3100
E-Mail: adrianpruetz@quinnemanuel.com
5 jeffboozell@quinnemanuel.com

6 Robert W. Stone (Bar No. 163513)
Brian C. Cannon (Bar No. 193071)
7 T.J. Chiang (Bar No. 235165)
555 Twin Dolphin Drive, Suite 560
8 Redwood Shores, California 94065
Telephone: (650) 801-5000
9 Facsimile: (650) 801-5100
E-Mail: robertstone@quinnemanuel.com
10 brianannon@quinnemanuel.com
11 tjchiang@quinnemanuel.com

Attorneys for Defendants and Counterclaimants
12 Roche Molecular Systems, Inc.; Roche
Diagnostics Corporation; and Roche Diagnostics
13 Operations, Inc.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 THE BOARD OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY,

17 Plaintiff,

18 vs.

19 ROCHE MOLECULAR SYSTEMS, INC.; ROCHE
20 DIAGNOSTICS CORPORATION; ROCHE
DIAGNOSTICS OPERATIONS, INC.,

21 Defendants.

22 ROCHE MOLECULAR SYSTEMS, INC. ROCHE
DIAGNOSTICS CORPORATION; ROCHE
23 DIAGNOSTICS OPERATIONS, INC.,

24 Counterclaimants,

25 vs.

26 THE BOARD OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY; THOMAS
27 MERIGAN; AND MARK HOLODNIY,

28 Counterclaim Defendants.

CASE NO. C-05-04158 MHP

DECLARATION OF JEFFERY N.
BOOZELL IN SUPPORT OF
ROCHE'S OPPOSITION TO
COUNTERCLAIM DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

Declaration of Jeffrey N. Boozell

I, Jeffrey Boozell, declare:

1. I am an attorney licensed to practice in the State of California and an associate at the firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for defendants Roche Molecular Systems, Inc., Roche Diagnostics Corporation, and Roche Diagnostics Operations, Inc. I make this declaration of personal knowledge and, if called and sworn as a witness, I could and would testify competently as to the following:

2. Attached hereto as Exhibit 1 is a true and correct copy of an article entitled "HIV-1 Load Quantitation: A 17-Year Perspective," published in the Journal of Infectious Diseases, and naming Mark Holodniy as its author. This article is substantively identical to the draft article that is Exhibit 9 to the Declaration of T.J. Chiang in Support of Defendants' Motion for Summary Judgment.

3. Attached hereto as Exhibit 2 is a true and correct copy of email correspondence between George Jen and Luis Mejia produced and redacted by Stanford University.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Luis Mejia to George Jen dated March 12, 2004 produced by Stanford University.

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from George Jen to Luis Mejia dated April 7, 2004. The document was authenticated as Exhibit 609 by George Jen at his deposition. Ex. 11 (Jen Dep.) at 36:23-37:7.

6. Attached hereto as Exhibit 5 is a true and correct copy of a fax dated May 4, 2004 from Luis Mejia to Bill Gaede at Cooley Godward, attaching a letter from George Jen to Luis Mejia dated May 3, 2004, produced by Stanford University. The attached letter was authenticated by George Jen at his deposition. Ex. 11 (Jen Dep.) at 42:3-13.

7. Attached hereto as Exhibit 6 is a true and correct copy of a Stanford Invention Disclosure produced by Stanford University.

8. Attached hereto as Exhibit 7 is a true and correct copy of an article entitled "The Relation of Virologic and Immunologic Markers to Clinical Outcomes After Nucleoside Therapy in HIV-Infected Adults With 200 to 500 CD4 Cells Per Cubic Millimeter," published in the New

1 England Journal of Medicine in 1996, and naming among its authors David Katzenstein and
2 Thomas Merigan.

3 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the
4 transcript of the deposition of Thomas Merigan.

5 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the
6 transcript of the deposition of Jeffrey Price.

7 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the
8 transcript of the deposition of David Katzenstein.

9 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the
10 transcript of the deposition of George Jen.

11 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the
12 transcript of the deposition of Fredrick Kentz.

13 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the
14 transcript of the deposition of William Gerber.

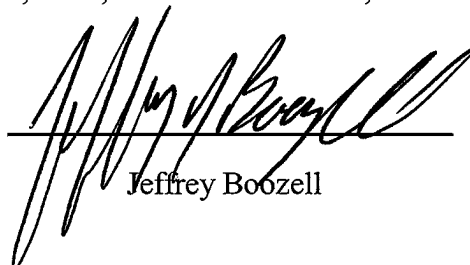
15 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the
16 transcript of the deposition of Mary Albertson.

17 16. Attached hereto as Exhibit 15 is a true and correct copy of a 1995 Patent and
18 Copyright Agreement for Stanford Personnel produced by Stanford.

19 17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the
20 transcript of the deposition of Mark Holodniy.

21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct.

23 Executed this 15th day of November, 2006, at Redwood Shores, California.

24
25 
26 Jeffrey Boozell