

EXHIBIT 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY

Plaintiff

vs.

NO. C 05 04158 MHP

ROCHE MOLECULAR SYSTEMS
et al.

Defendants

CERTIFIED
COPY

AND RELATED CROSS ACTION

DEPOSITION OF GEORGE JEN
Redwood City, California
Thursday, August 15, 2006

REPORTER BY
LYNNE EBANOTS
CSR No. 6811
Job No. 3-51814

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UNITED STATES DISTRICT COURT
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THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY,

Plaintiff,

vs.

No. C 05 04158 MHP

ROCHE MOLECULAR SYSTEMS,
et al.,

Defendants.

AND RELATED CROSS ACTION.

Deposition of GEORGE JEN, taken on behalf of
Plaintiff, at 555 Twin Dolphin Drive, Redwood Shores,
California, beginning at 10:06 a.m., and ending at 11:10
a.m. on Tuesday, August 15, 2006, before LYNNE LEDANOIS,
CSR 6811.

1 APPEARANCE OF COUNSEL:

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3 For Plaintiff:

4 COOLEY GODWARD
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11 For Defendant:

12 QUINN, EMANUEL, URQUHART, OLIVER & HEDGES
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17 650.801.5000
18 robertstone@quinn.com

19 VIDEOGRAPHER:

20 SARNOFF COURT REPORTERS AND LEGAL TECHNOLOGIES
21 BY: MARTY MAJDOUB
22 415.274.977

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10:47:31 1 MR. RODRIGUEZ: That's fine. Go ahead.

10:47:33 2 MR. STONE: Can we go off the record for a

10:47:33 3 moment?

10:47:33 4 MR. RODRIGUEZ: Sure.

10:47:34 5 VIDEOGRAPHER: We are now going off the video

10:47:35 6 record. The time is 10:49 a.m.

7 (Recess Taken.)

10:48:02 8 VIDEOGRAPHER: We are now back on the video

10:49:28 9 record. The time is 10:51 a.m.

10:49:35 10 BY MR. RODRIGUEZ:

10:49:35 11 Q Mr. Jen, during the course of the

10:49:36 12 communications that you handled between Stanford and

10:49:40 13 Roche related to the '730 and '705, did you ever become

10:49:43 14 aware of any knowledge by Roche of the '730 patent prior

10:49:47 15 to your involvement?

10:49:48 16 MR. STONE: Same cautions to the witness.

10:49:57 17 THE WITNESS: No. No, I was not aware.

10:50:06 18 MR. RODRIGUEZ: We'll mark this as the next

10:50:07 19 one.

10:50:21 20 (Plaintiff's Exhibit 609 was marked for

21 identification by the Court Reporter.)

10:50:21 22 BY MR. RODRIGUEZ:

10:50:21 23 Q The reporter has handed you what's been marked

10:50:24 24 as Exhibit 609. This is a one-page document having

10:50:29 25 Bates number RMS 00119.

10:50:32 1 Would you please take a look at Exhibit 609 and
10:50:35 2 tell me if you recognize it?

10:50:36 3 A Yes, I do.

10:50:38 4 Q What is Exhibit 609?

10:50:42 5 A It was my letter in response to Mr. Mejia's
10:50:48 6 letter dated March 12th in response to his letter and
10:50:53 7 his licensing offer.

10:50:58 8 Q Do you see that it refers to in the first
10:51:00 9 paragraph -- first longer paragraph to certain Cetus
10:51:05 10 scientists?

10:51:14 11 A You mean the second paragraph?

10:51:15 12 Q Let me just say -- be more specific.

10:51:17 13 Do you see the sentence that begins, "We have
10:51:20 14 information indicating that certain Cetus scientists
10:51:23 15 likely contributed...", and then goes on from there?

10:51:26 16 A Yes, I do.

10:51:27 17 Q Who were the Cetus scientists that were being
10:51:30 18 referred to there?

10:51:30 19 MR. STONE: I object to this line of
10:51:32 20 questioning, renew my continued objection that this
10:51:35 21 seeks evidence that's inadmissible under 408.

10:51:39 22 In addition, I caution the witness not to
10:51:41 23 disclose any attorney-client communications or work
10:51:44 24 product. If information was communicated to Stanford
10:51:47 25 concerning that issue, go ahead and answer; otherwise,

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identification by the Court Reporter.)

BY MR. RODRIGUEZ:

Q The reporter has handed you what's been marked as Exhibit 612. This is a document having Bates numbers STAN 010298 through 010302.

Would you please take a look at Exhibit 612 and tell me if you recognize any portion of it?

MR. STONE: I'll object to questions concerning this exhibit to the extent it seeks evidence that is inadmissible under 408.

THE WITNESS: I recognize the accompanying letter that was -- this is one of my letters to Mr. Mejia.

BY MR. RODRIGUEZ:

Q Do you see in -- let me start again.

Do you see on page STAN 010299 where it refers to the interviewing of Cetus scientists who interacted with Dr. Merrigan?

A Which paragraph is it? Sorry.

Q This is the first longer paragraph, right after the "thank you."

A Yes, I do see it.

Q Who were those Cetus scientists that were interviewed?

MR. STONE: I'll caution the witness that

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I, GEORGE JEN, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 5th day of September,
2006, at Piedmont, CA.
(City) (State)

George Jen
GEORGE JEN