

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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.

ROCHE MOLECULAR SYSTEMS, ET AL.,
 LELAND STANFORD JUNIOR
 UNIVERSITY,
 Counterclaimants,
 vs. No. C 05 04158 MHP
 ROCHE MOLECULAR SYSTEMS, ET AL.,
 Counterclaim Defendants.

HIGHLY CONFIDENTIAL - ATTORNEY'S EYES ONLY
 VIDEOTAPED DEPOSITION OF CLAYTON CASIPIT
 Redwood Shores, California
 Friday, July 21, 2006

Reported by:
 TRACY L. PERRY
 CSR No. 9577
 JOB No. 3-50389

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 2
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 14 There also being present:
 15 Rhea Neresian
 Ray Tyler, Videographer
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 14 Counterclaim Defendants.

15 Confidential Videotaped Deposition of
 16 CLAYTON CASIPIT, taken on behalf of Plaintiff and
 17 Counterclaim Defendants, at 555 Twin Dolphin Drive,
 18 Suite 560, Redwood Shores, California, beginning at
 19 9:05 a.m. and ending at 2:02 p.m., on Friday, July 21,
 20 2006, before TRACY L. PERRY, Certified Shorthand Reporter
 21 No. 9577.
 22
 23
 24
 25

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 7 EXHIBITS
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 Defendants Pursuant to Fed. R. Civ. P.
 10 30(b)(6); 11 pages
 11 509 Curriculum Vitae of Clayton L. Casipit; 27
 9 pages
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 13 510 U.S. Patent #5,644,035; 27 pages 58
 14
 15 511A Notebook #3702 of Clayton Casipit Bates 85
 Stamped CH0000388-CH0000583; multi-paged
 16 511B Notebook #3702 of Clayton Casipit Bates 85
 Stamped RMS05692-RMS05887; multi-paged
 17
 18 512A Notebook #3951 of Clayton Casipit Bates 113
 Stamped CH0000584-CH0000679; multi-paged
 19 512B Notebook #3951 of Clayton Casipit Bates 113
 Stamped RMS05582-RMS05691; multi-paged
 20
 21 513 Document titled "Reference, Transcription 90
 Systems"; 1 page
 22 514 Document titled "Vector Maps"; 1 page 93
 23
 24 515 Document containing the handwritten notation 116
 "Original Data for CC2 Work, Books 3702
 & 3951"; multi-paged
 25 516 Article titled "Competitive Polymerase Chain 134
 Reaction Assay for Quantitation of HIV-1 DNA

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1 (Pages 1 to 4)

09:08:14 1 A Three -- three or four times, I think, yeah, in
2 person.
09:08:17 3 Q And how long were those sessions?
09:08:21 4 A I think a couple of hours apiece, as I recall.
5 It's been over the last couple years.
09:08:29 6 Q When was your first meeting with counsel in
7 regards to this litigation?
09:08:34 8 A The first meeting I believe -- when he contacted
9 me, you mean?
09:08:38 10 Q Okay. Yes.
09:08:40 11 A When he first contacted me I think was about a
12 year and a half ago. I don't exactly remember the month.
09:08:54 13 Q Who else was present at the meetings with
14 counsel?
09:08:59 15 A Robert Stone I believe was one. Rhea Helmuth at
16 another.
09:09:07 17 Q And the counsel that we're referring to, is that
18 Mr. Cannon? He was present at those meetings?
09:09:14 19 A Yeah, through -- yeah, through most of them,
20 yeah.
09:09:17 21 Q Did you meet with anybody else in preparation
22 for today's deposition?
09:09:24 23 A Yes. Alice Wang, I think at one of the
24 meetings. I met with her. Who else? And I believe that
25 was it, yeah.

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1 was by e-mail, actually, setting the date for -- for the
2 deposition today.
09:11:09 3 Q Did you have any other communications with just
4 Rhea about this deposition?
09:11:13 5 A No, not that I recall.
09:11:15 6 Q So your only communications with Rhea outside of
7 the presence of counsel were related to the scheduling of
8 this deposition; is that correct?
09:11:25 9 A Correct.
09:11:30 10 Q You mentioned that you discussed with Alice Wang
11 constructing a plasmid and the science behind that; is
12 that correct?
09:11:41 13 A Yes.
09:11:43 14 Q What specifically did you and Alice Wang discuss
15 about the plasmid?
09:11:49 16 A I -- gosh, I don't recall, actually. It -- it
17 was just really general stuff as to, you know, as to what
18 we were doing and so forth.
09:12:00 19 Q Generally, can you tell me about the
20 conversation?
09:12:06 21 A Gosh. I think it was just that we had -- that
22 we had -- how we had put it together, and that was about
23 it.
09:12:21 24 Q And what -- what plasmid are we -- are you
25 referring to?

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09:09:38 1 Q What did you and Alice Wang discuss?
09:09:41 2 A Just a little bit about the work that we had
3 done back then and just discussed the -- yeah, just the
4 work.
09:09:50 5 Q What do you recall specifically about your
6 conversations with Alice Wang in preparation for today's
7 deposition?
09:09:58 8 A Specifically, I think -- I recall mostly we
9 talked about our kids. We talked a little bit about -- I
10 think a little bit about the -- constructing the plasmid
11 and the science behind it and so forth.
09:10:24 12 Q Did you have any other meetings where counsel
13 was not present?
09:10:28 14 MR. CANNON: Object as to form.
09:10:32 15 BY MS. WILKINSON:
09:10:32 16 Q Did you have any meetings in preparation for
17 today's deposition where counsel was not present?
09:10:39 18 A Any meetings, no, not where counsel was not
19 present, no.
09:10:43 20 Q Did you have any --
09:10:44 21 A I don't recall.
09:10:47 22 Q -- phone conversations about today's deposition
23 where your counsel was not on the call?
09:10:58 24 A I -- I had one, I think, with Rhea, and that was
25 just to organize -- setting the date for -- I think that

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09:12:25 1 A The plasmid, the CC -- the pCC1 and 2.
09:12:38 2 Q What did she say about -- about the CC1 and CC2
3 plasmid?
09:12:42 4 A What did she say? You mean specifically?
09:12:46 5 Q Do you remember specifically anything that she
6 said about the CC1 or CC2 plasmids?
09:12:51 7 A No. We were just I think -- gosh. I really
8 can't remember what we said specifically, just pretty
9 much what we had done to create it and that was about it.
10 It was very, very general.
09:13:12 11 Q What did you say about the CC1 and CC2 plasmid
12 in your conversation with Alice Wang?
09:13:19 13 A Mainly how I -- how I constructed it, and that
14 was it.
09:13:28 15 Q When you say you constructed the plasmid, what
16 do you mean by that?
09:13:35 17 A How we put it together, how it was ligated into
18 a backbone, and that was -- you know, that's about it.
09:13:43 19 Q And that ligation onto a backbone, that was
20 using molecular biology techniques that were known at the
21 time that you were doing the work?
09:13:53 22 MR. CANNON: Object as to form.
09:13:59 23 THE WITNESS: That were known? Yes, that was known
24 at the time, yes.
09:14:01 25 BY MS. WILKINSON:

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09:14:01 1 Q You weren't the first -- you weren't the first
2 person to put a DNA sequence into -- into a plasmid; is
3 that correct?
09:14:12 4 MR. CANNON: Object as to form.
09:14:13 5 THE WITNESS: No, we were not the first to do that.
6 That was done several dozens of years earlier.
09:14:21 7 BY MS. WILKINSON:
09:14:21 8 Q And that was also -- was that also being done
9 outside of Cetus at the time that you worked on the
10 plasmid?
09:14:29 11 MR. CANNON: Object as to form.
09:14:30 12 BY MS. WILKINSON:
09:14:30 13 Q Do you know whether that was being done outside
14 of Cetus -- outside of Cetus at the time that you were
15 working on the plasmid?
09:14:37 16 THE WITNESS: Outside of Cetus? I would assume so,
17 yes. It -- it's a fairly common practice.
09:14:50 18 BY MS. WILKINSON:
09:14:50 19 Q Have you discussed Dr. Holodniy's testimony with
20 anyone?
09:14:53 21 A No, I have not.
09:14:57 22 Q Is there anybody else who you discussed today's
23 deposition with?
09:15:05 24 A As far as where I would be today, yes, my -- my
25 supervisor at work and my wife.

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09:15:12 1 Q Other than your whereabouts today, did you
2 discuss anything about today's deposition with anybody
3 else?
09:15:20 4 A No.
09:15:22 5 Q Did you look at any documents in preparation for
6 this deposition that -- that refreshed your recollection
7 about the work you were doing at Cetus?
09:15:32 8 A Yes; my notebooks and I think a few other
9 documents, but mostly my notebooks.
09:15:41 10 Q How many notebooks did you review?
09:15:44 11 A Two.
09:15:51 12 Q Do you recall the numbers of those notebooks?
09:15:54 13 A I know one of them because -- 270 -- 2703, I
14 think, or no, 2799 and 3903.
09:16:08 15 Q Do you recall the date range that is covered by
16 those notebooks?
09:16:13 17 A Yes, I believe so. It was June of '89 to I
18 believe August of '90, if I'm not mistaken.
09:16:33 19 Q In your meeting with Alice Wang, did you review
20 any documents?
09:16:38 21 A No.
09:16:41 22 Q You mentioned that in preparation for today's
23 deposition you looked at notebooks and several other
24 documents that refreshed your recollection. Other than
25 the notebooks you've already discussed, what other

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1 documents did you look at?
09:16:58 2 MR. CANNON: Objection.
09:16:58 3 Could you read the question back?
09:17:01 4 Are you asking him documents that refreshed his
5 recollection or just what he looked at?
09:17:07 6 MS. WILKINSON: Yes, Counsel.
09:17:08 7 Q Other documents that refreshed your
8 recollection, please.
09:17:11 9 MR. CANNON: Go ahead and answer that question.
09:17:12 10 THE WITNESS: Okay. The -- the one I guess was
11 the -- it was the deposition form -- not the
12 deposition -- the deposit form for the plasmid going into
13 the Cetus master collection. That just gave me a date
14 approximately when it happened, and that's about it. A
15 few other documents, but I don't really remember if
16 they -- I don't really recall that they jogged anything
17 in my memory.
09:17:45 18 BY MS. WILKINSON:
09:17:45 19 Q Did you look at any other notebooks that may
20 have refreshed your recollection?
09:17:52 21 A No.
09:17:53 22 Q You didn't look at Dr. Holodniy's notebooks?
09:17:56 23 A No, I have never seen them.
09:18:05 24 Q Do you remember anything else about the
25 documents that you reviewed that refreshed your

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1 recollection?
09:18:09 2 A No, nothing else.
09:18:12 3 Q Have you had any conversations with anyone that
4 refreshed your recollection about any interactions that
5 you may have had with Dr. Mark Holodniy?
09:18:22 6 A No, I didn't.
09:18:23 7 Q What is your understanding of what this lawsuit
8 is about?
09:18:31 9 A My understanding is -- is that I believe
10 Stanford is contesting that Roche is -- is infringing on
11 their patent.
09:18:49 12 Q What is your understanding of how this
13 litigation relates to you?
09:18:54 14 MR. CANNON: I'll caution the witness that to the
15 extent conversations with counsel have -- have -- that
16 your understanding is based on conversations with
17 counsel, I would -- I would caution the witness not to
18 reveal any communications with counsel or knowledge that
19 you derived from counsel only.
09:19:12 20 THE WITNESS: Okay.
09:19:13 21 MR. CANNON: With that understanding, please answer
22 the question.
09:19:16 23 THE WITNESS: Could you please ask the question
24 again?
09:19:18 25 BY MS. WILKINSON:

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09:39:56 1 Q What kind of assays?
09:39:57 2 A Immunodiagnostics. It was -- it was just
3 looking for antibodies and so forth to various diseases
4 that they were -- that they were suffering from.
09:40:08 5 Q Have you done any ELISA assays?
09:40:12 6 A Yes.
09:40:17 7 Q Around -- can you give me a general date as to
8 when you would have done the ELISA assay?
09:40:24 9 A The first ELISA assay? I -- I did them every
10 day during my employment at the -- at that particular
11 company because it was a reference laboratory.
09:40:33 12 Q And what -- what general year? That would have
13 been --
09:40:39 14 A It was about '85, I think. '85, '86.
09:40:42 15 Q In the field of molecular biology around the
16 time frame of 1985 and 1986, were ELISA assays done as a
17 matter of course?
09:40:53 18 MR. CANNON: Objection as to form.
09:40:57 19 THE WITNESS: Yes. It -- well, yes, but the way
20 that I was doing it was in a -- was as an
21 immunodiagnostic. It wasn't done to detect DNA. It was
22 a -- it was an antibody -- it means enzyme-linked
23 immunosorbant assay, and it's just a -- and it is just a
24 means of detecting things by using an antibody linked to
25 a particular chromogenic or a -- an enzyme that will

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09:43:02 1 Q Do you have a copy of that agreement?
09:43:04 2 A No, I do not.
09:43:06 3 Q Did you look for a copy of the agreement?
09:43:08 4 A Yes, I did.
09:43:11 5 Q What position did you hold when you first joined
6 Cetus Corporation?
09:43:14 7 A It was research -- research assistant 2, I
8 believe was the title.
09:43:23 9 Q Your C.V. lists research associate 1. Is --
10 does that refresh your recollection?
09:43:30 11 A Oh. Yeah. It was probably 1 then.
09:43:33 12 Q In what division of Cetus did you work as a
13 research assistant 1?
09:43:41 14 A Immuno -- it was the immunodiagnostics division
15 there.
09:43:47 16 Q And was that group within a larger department at
17 Cetus?
09:43:52 18 A Yes.
09:43:52 19 Q What department was that in?
09:43:54 20 A It was -- it was under the -- well, it was -- it
21 was immunodiagnostics and the molecular diagnostics
22 group. So that was including PCR and -- and -- and
23 immuno -- and immunoassays. So it was basically all
24 diagnostics.
09:44:19 25 Q What kind of projects did you work on as a

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1 cause a color reaction.
09:41:40 2 BY MS. WILKINSON:
09:41:40 3 Q Is that a colorimetric assay?
09:41:42 4 A Yeah, essentially.
09:41:43 5 Q And that colorimetric ELISA assay was well-known
6 in the field in 1985 through 1986; is that correct?
09:41:51 7 MR. CANNON: Objection as to form.
09:41:57 8 THE WITNESS: To people who were doing it, yes, it
9 was -- it was fairly well-known. But you could apply it
10 to many other things.
09:42:06 11 BY MS. WILKINSON:
09:42:06 12 Q Do you know what HRP is, Mr. Casipit?
09:42:09 13 A Yes; horseradish peroxidase.
09:42:13 14 Q Was the use of HRP with an ELISA assay known in
15 1985?
09:42:21 16 A Yes, it was.
09:42:30 17 Q After your work at the reference laboratory,
18 what was your next employment?
09:42:36 19 A My next employment was at Cetus.
09:42:39 20 Q And when did you begin working at Cetus
21 Corporation?
09:42:44 22 A I believe it was early spring of '86. '86 or
23 '87. I'm sorry. '87, I think, yeah.
09:42:58 24 Q Did you sign an employment agreement with Cetus?
09:43:01 25 A Yes, I did.

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1 research assistant level 1?
09:44:26 2 A The first project I worked on was developing
3 a -- a rapid assay for -- initially it was HCG, which was
4 a pregnancy test, and then also HIV.
09:44:51 5 Q What kind of assay were you working on?
09:44:53 6 A It was an assay to detect human antibody -- I'm
7 sorry -- viral antibodies in human serum, or I should say
8 antibodies against virus in human serum.
09:45:07 9 Q Did the assay have a name?
09:45:10 10 A No. We were just mainly developing it. It was
11 called the HIV rapid assay in-house, but we did not -- I
12 don't think it went to market after that.
09:45:22 13 Q Did that assay involve PCR?
09:45:28 14 A No, it did not.
09:45:34 15 Q Did you work with Alice Wang when you first came
16 to Cetus?
09:45:39 17 A No.
09:45:41 18 Q Did you work with Alice Wang while you were a
19 research assistant level 1?
09:45:47 20 A No.
09:45:51 21 Q While you were a research assistant 1, did you
22 do any PCR work at Cetus Corporation?
09:46:00 23 A I may have ran a reaction or two, yeah, when I
24 was a level 1, yeah.
09:46:07 25 Q Under whose supervision?

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1 it was PIP or something like that. I can't -- I can't
2 remember. I'll have to look in my notebooks. I don't
3 remember the exact designation.
10:41:26 4 Q What about the name of the plasmid that you were
5 creating?
10:41:33 6 A I believe the name that I initially gave the --
7 the first transformant was pCC11-1.
10:41:50 8 Q Was that pCC 11-1 or could it have been pCC1-11?
10:42:01 9 A Oh, I'm sorry. Yes. Wait. Wait. Wait. 1-11.
10 Sorry. Yeah.
10:42:06 11 Q 1-11. And what did CC1 stand for?
10:42:10 12 A It was my name, plas- -- the "p" stood for
13 plasmid, designated -- I usually designated my plasmids.
14 "CC" was my initials, and "1" was this was the first --
15 this was the first plasmid that I created with Alice.
10:42:44 16 Q Were you learning how to create these plasmids
17 for the first time?
10:42:49 18 MR. CANNON: Objection as to form.
10:42:53 19 THE WITNESS: You mean have I -- I -- I don't quite
20 understand what you're asking. Do you mean did I know
21 how to do it or was it the first time I did it with
22 Alice, created the plasmid with Alice?
10:43:09 23 BY MS. WILKINSON:
10:43:09 24 Q Had you created a plasmid with a DNA insert
25 prior to your work on the pCC1?

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10:44:51 1 Q Yes.
10:44:52 2 A Okay. It was this plasmid, this cloning plasmid
3 that was made at Cetus. It was -- and it was the DNA
4 template.
10:45:07 5 Q Could you have -- let me start again.
10:45:12 6 Were there other plasmids that were commercially
7 available into which you could have dropped the DNA
8 insert?
10:45:22 9 MR. CANNON: Object as to form. I caution the
10 witness not to guess. If you have knowledge, please
11 testify.
10:45:30 12 THE WITNESS: I -- I -- all I know is that this
13 plasmid was -- was used before and -- at Cetus and we had
14 knowledge of it and we knew how it would behave. So
15 therefore, that's why we used it.
10:45:47 16 BY MS. WILKINSON:
10:45:47 17 Q Were you -- were you aware of catalogs from
18 manufacturers such as Promega or BRL where you could buy
19 plasmids?
10:46:04 20 A At the time, no, I was not.
10:46:12 21 Q What is the CC2 plasmid?
10:46:14 22 A The CC2 plasmid was a second generation that I
23 made I guess several -- or months later in the project,
24 and that is a -- has the same DNA -- the pro-viral RNA
25 made into DNA, inserted into a different plasmid

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10:43:16 1 A No.
10:43:20 2 Q Did you make mistakes in this process?
10:43:26 3 MR. CANNON: Object as to form.
10:43:27 4 THE WITNESS: Mistakes. Not that I can recall. I
5 mean it -- it -- it cloned like it should have.
10:43:43 6 BY MS. WILKINSON:
10:43:43 7 Q So the pCC1 work, was that the first cloning
8 project that you ever did?
10:43:54 9 A Yes, it was.
10:43:58 10 Q And did you learn the cloning techniques at
11 Cetus?
10:44:04 12 A Yes, I did.
10:44:05 13 Q Who did you learn those techniques from?
10:44:08 14 A I was learning them from Alice at the time.
10:44:21 15 Q What were the component sequences that you used
16 to make the CC1 plasmid?
10:44:25 17 MR. CANNON: Object as to form.
10:44:31 18 THE WITNESS: Cloning sequence. I -- I don't know.
19 Do you want -- I'm not quite -- I don't quite understand
20 the question. You mean what was the components -- I
21 don't quite understand.
10:44:42 22 BY MS. WILKINSON:
10:44:42 23 Q What were the components of the pCC1 plasmid?
10:44:45 24 A Okay. The -- you mean the parts that were put
25 together or --

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1 backbone.
10:46:47 2 Q What was the plasmid backbone that the DNA was
3 inserted into?
10:46:51 4 A The plasmid backbone was -- I believe was PSP72.
10:47:03 5 Q And where did you obtain the PS72 (sic) plasmid?
10:47:07 6 A That was initially -- it was commercially
7 available from Promega. I don't know where I got it at
8 the time, though.
10:47:23 9 Q How much time did it take you to insert the
10 pro-viral DNA sequence into the PSP72 plasmid?
10:47:39 11 MR. CANNON: Object as to form.
10:47:41 12 THE WITNESS: How much time? I can't tell you the
13 exact amount of time that it took to insert. I can give
14 you a -- well, I don't know. I am not sure.
10:47:54 15 BY MS. WILKINSON:
10:47:54 16 Q Did that commercially available plasmid have a
17 promotor sequence?
10:48:00 18 A Yes, it did.
10:48:02 19 Q Were there other commercially available plasmids
20 that had different promotor sequences?
10:48:11 21 A I don't know at the time. I don't -- I
22 didn't -- I don't know if I knew that or not.
10:48:17 23 Q Have you ever heard of an SP6 promotor?
10:48:21 24 A Yes, I have.
10:48:22 25 Q Do you know if plasmids with an SP6 promotor

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12 (Pages 45 to 48)

1 were available at the time?
10:48:28 2 A At the time, I don't know. I do know that now,
3 but I don't think I knew at the time.
10:48:33 4 Q Do you know sitting here today whether such
5 plasmids were available back in 1989?
10:48:47 6 A Yeah, probably.
10:48:48 7 MR. CANNON: Well, she's asking you do you know now
8 or do you know then?
10:48:50 9 THE WITNESS: I know now. Yeah, I know now that
10 there was possibly some that were available.
10:48:55 11 BY MS. WILKINSON:
10:48:55 12 Q So you know now that in June of 1989 it was
13 possible to obtain a plasmid from a commercial source
14 that had an SP6 promotor; is that your testimony?
10:49:09 15 A Correct.
10:49:18 16 Q Generally, how much time did it take you to make
17 the CC1 plasmid?
10:49:22 18 MR. CANNON: Object as to form.
10:49:33 19 THE WITNESS: Generally, it's -- I can't tell you
20 unless I see my notebooks and I can tell you the exact
21 dates. I'm mean -- I'm -- I'm not sure.
10:49:40 22 BY MS. WILKINSON:
10:49:40 23 Q Would it be weeks?
10:49:44 24 A It wouldn't be months. It would be weeks, yeah.
10:49:48 25 Q How about the CC2 plasmid?

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10:51:19 1 Q Do you know whether those techniques were known
2 outside of Cetus?
10:51:30 3 MR. CANNON: Object as to form.
10:51:34 4 THE WITNESS: From papers that I had read at the
5 time -- well, actually, I -- now, if I look at it back --
6 from now, from my standpoint now, yes, there were
7 probably places outside. But at the time, I'm not sure.
10:51:55 8 BY MS. WILKINSON:
10:51:55 9 Q So it's your testimony sitting here today that
10 in 1989, inserting a DNA template into a plasmid involved
11 techniques that were described in publications?
10:52:19 12 MR. CANNON: Object as to form, mischaracterizes
13 prior testimony.
10:52:25 14 THE WITNESS: Yeah, could you rephrase -- could you
15 repeat that question? I didn't...
10:52:31 16 BY MS. WILKINSON:
10:52:31 17 Q What don't you understand about my question?
10:52:34 18 A Because, I mean, if -- if I answer it from what
19 I know now, it would be a different answer from what I
20 know -- what I knew back then.
10:52:43 21 Q I'm interested in what you know now --
10:52:46 22 A Okay.
10:52:47 23 Q -- about what was known in 1989.
10:52:48 24 A Okay. What I know now, what was known back in
25 1989, was that yes, there were -- it was a -- a -- it was

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10:49:52 1 MR. CANNON: Object as to form.
10:49:54 2 THE WITNESS: How fast it would take?
10:49:56 3 BY MS. WILKINSON:
10:49:56 4 Q How long did it take?
10:49:57 5 A Or how long did it take? Again, it would -- it
6 would be a week and not months because this would be --
7 as I recall from my notebooks, I -- I digested and I
8 removed the -- the insert from the pCC1 and I put it into
9 a pCC2 and made the pCC2.
10:50:23 10 Q So is it your testimony that the first cloning
11 experiment that you did took only a few weeks to produce
12 clones with the DNA insert you were interested in?
10:50:41 13 MR. CANNON: Object as to form.
10:50:42 14 THE WITNESS: I mean I know it didn't take months.
15 I -- I -- until I see the exact dates, I can't -- I mean
16 I know it didn't take months.
10:50:55 17 BY MS. WILKINSON:
10:50:55 18 Q And all of the techniques that you were learning
19 and using to do these cloning experiments, were those
20 well-known techniques in molecular biology at the time?
10:51:07 21 MR. CANNON: Object as to form.
10:51:12 22 THE WITNESS: I -- I do not know if they were
23 well-known. I know that we did them at -- where I was
24 working, yeah.
10:51:19 25 BY MS. WILKINSON:

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1 a procedure that was -- that was known. As to how
2 popular it was or how common it was or as to how easy it
3 was back then, it's hard to say. I would -- I would
4 venture to say that it was easier now -- or it's easier
5 now than it was back then.
10:53:21 6 Q But you didn't know in 1989 because you were new
7 to the cloning technique; is that correct?
10:53:32 8 MR. CANNON: Object as to form.
10:53:35 9 THE WITNESS: New as far as practical or
10 theoretical? I mean practical, yes, I was new. I had
11 not -- I had not had the hands-on experience, if you
12 will. Theoretically I probably had a little bit more
13 knowledge of it.
10:53:55 14 BY MS. WILKINSON:
10:53:55 15 Q So you knew even back in 1989 that theoretically
16 that DNA could be inserted into a plasmid; is that
17 correct?
10:54:12 18 A Correct. Back in '89, at the time, I knew that
19 theoretically it could. I did not know the commonality
20 of it.
10:54:22 21 Q And what -- what is -- where did your
22 theoretical understanding come from?
10:54:28 23 MR. CANNON: Object as to form.
10:54:29 24 THE WITNESS: It was -- my theoretical understanding
25 was through reading papers, you know.

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11:22:29 1 Q Do you have any reason to believe that it
2 wouldn't work?
11:22:31 3 MR. CANNON: Objection --
11:22:31 4 THE WITNESS: I -- oh, I'm sorry.
11:22:33 5 MR. CANNON: Object as to form.
11:22:34 6 THE WITNESS: I have plenty reason as to why it
7 wouldn't work. Because I've seen in the past that what
8 you would think -- some stretch of DNA that you would
9 think would amplify well would not, and you -- you won't
10 know until you actually try it.
11:22:56 11 BY MS. WILKINSON:
11:22:56 12 Q If you use the same stretch of DNA from the gag
13 gene without the restriction site mutation, would that
14 work equally well as a standard?
11:23:15 15 MR. CANNON: Object as to form.
11:23:19 16 THE WITNESS: In -- it would depend how you used it.
17 If you put it in the same tube, it wouldn't work.
11:23:32 18 BY MS. WILKINSON:
11:23:32 19 Q Could you do it without putting it into a
20 separate tube?
11:23:36 21 A Yes, you could, but you would not get an
22 accurate number because it would behave -- in the two
23 different tubes, it would behave differently.
11:23:47 24 Q So is it your testimony that you can only do PCR
25 quantitative analysis accurately with an internal

1 the origin, basically the origin.
11:26:15 2 BY MS. WILKINSON:
11:26:15 3 Q If you used separate tubes for your standard and
4 your sample, any plasmid that expressed the HIV gag gene
5 could be used to obtain an RNA standard; is that correct?
11:26:29 6 MR. CANNON: Objection to the form, incomplete
7 hypothetical.
11:26:34 8 THE WITNESS: Could you repeat that again? I didn't
9 quite get it.
11:26:37 10 MS. WILKINSON: Could you please repeat the
11 question.
11:26:15 12 (□The record was read as follows:
11:26:15 13 "QUESTION: If you used separate tubes for
14 your standard and your sample, any plasmid
15 that expressed the HIV gag gene could be
16 used to obtain an RNA standard; is that
17 correct?")
11:26:51 18 MR. CANNON: Same objections.
11:26:55 19 THE WITNESS: I -- not any. I don't think not any
20 standard, no.
11:27:09 21 BY MS. WILKINSON:
11:27:09 22 Q In the JID article, was -- were samples
23 amplified in the same tube as your standard?
11:27:27 24 MR. CANNON: Objection as the form. If you want to
25 show him the article, you can do that.

1 standard?
11:24:00 2 MR. CANNON: Objection as to form, mischaracterizes
3 prior testimony.
11:24:02 4 THE WITNESS: Accurately. I don't know. I don't
5 know how to answer -- how to answer that.
11:24:13 6 BY MS. WILKINSON:
11:24:13 7 Q Why not?
11:24:19 8 A Because it depends on the situation that you're
9 looking at on -- at the -- at the quantitation that
10 you're trying to do. It's different in different
11 situations. And back then it was even more so.
11:24:48 12 Q Did you discuss the RNA standard in your meeting
13 with Alice Wang regarding this deposition?
11:25:09 14 A Yes, we did discuss -- we did discuss the origin
15 of the -- of the -- of the plasmid -- or the construct,
16 yes.
11:25:19 17 Q And what specifically did you discuss?
11:25:21 18 MR. CANNON: Objection; asked and answered.
11:25:24 19 THE WITNESS: We discussed the origin, yeah.
11:25:37 20 BY MS. WILKINSON:
11:25:37 21 Q Is that -- describe the origin that you -- that
22 you discussed with Alice Wang.
11:25:45 23 MR. CANNON: Objection; asked and answered.
11:25:47 24 THE WITNESS: Discuss the origin. We discussed
25 where the -- where the PCR product came from in -- yeah,

11:27:33 1 THE WITNESS: From what I recall from reading the
2 article, no, it was not. I don't -- no.
11:27:43 3 BY MS. WILKINSON:
11:27:43 4 Q So is your testimony that the JID article did
5 not use the same tube for amplification of sample and
6 standard?
11:28:05 7 MR. CANNON: Object as the form.
11:28:07 8 THE WITNESS: Yeah, from my recollection of reading
9 the paper, yes, that -- and my understanding, yes.
11:28:14 10 BY MS. WILKINSON:
11:28:14 11 Q Was the quantitation in the JID article accurate
12 as used -- as you've used the word earlier?
11:28:28 13 MR. CANNON: Objection as the form.
11:28:33 14 No need to guess. If you know, you know. If
15 you have information, please give an answer.
11:28:39 16 THE WITNESS: I don't know. I don't know how they
17 did the -- I don't know how they did the experiments at
18 the Stanford site, so...
11:28:48 19 BY MS. WILKINSON:
11:28:48 20 Q As -- as an author on the paper, did you have
21 any reason to question the accuracy of the results that
22 Stanford obtained?
11:29:06 23 A At that time or looking back on it now or both?
11:29:10 24 Q At that time.
11:29:10 25 A At that time? Yes, I believe I had some

13:48:47 1 Q You -- have you ever -- I'm sorry. Your
2 testimony is that you have never seened -- you have never
3 seen this document; is that correct?
13:48:54 4 A That is correct.
13:48:59 5 Q Have you -- are you aware of this, of the
6 existence of this publication?
13:49:10 7 MR. CANNON: Objection as to form.
13:49:11 8 BY MS. WILKINSON:
13:49:11 9 Q Before I handed you this publication, were you
10 aware that Drs. Holodniy, Katzenstein, Dennis Israelski,
11 and Thomas Merigan published this paper in the Journal of
12 Clinical Investigation?
13:49:29 13 A No, I was not aware.
13:49:30 14 Q Have you ever discussed this paper with any
15 Cetus scientist?
13:49:35 16 A No, because I did not know about it.
13:49:44 17 Q Have you ever designed any specific protocol for
18 mod- -- monitoring the efficacy of HIV treatment?
13:49:52 19 MR. CANNON: Objection as to form.
13:50:03 20 THE WITNESS: I don't believe so.
13:50:03 21 BY MS. WILKINSON:
13:50:03 22 Q You've never designed any clinical protocols
23 involving patient treatment; is that correct?
13:50:10 24 MR. CANNON: Objection as to form.
13:50:12 25 THE WITNESS: Clinical. No, I don't believe so.

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13:50:17 1 BY MS. WILKINSON:
13:50:17 2 Q You didn't have any clinical experience with
3 patients; is that correct?
13:50:21 4 MR. CANNON: Objection as to form.
13:50:24 5 THE WITNESS: Clinical in what way? In diagnostics
6 or...
13:50:30 7 BY MS. WILKINSON:
13:50:30 8 Q You didn't have any clinical experience with
9 patients; is that right?
13:50:35 10 MR. CANNON: Objection as to form.
13:50:40 11 THE WITNESS: As far as treatment of patients, no.
13:50:42 12 BY MS. WILKINSON:
13:50:42 13 Q Okay. So if you -- if you hadn't...
13:51:02 14 Do you have any knowledge about whether anybody
15 at Cetus knew about this article at any point in time?
13:51:11 16 A I -- I have no knowledge.
13:51:18 17 Q Mr. Casipit, you testified earlier about certain
18 information and material you are aware that was
19 transferred to Dr. Holodniy; is that correct?
13:51:29 20 A Yes.
13:51:30 21 Q Are you aware of any material that was
22 transferred to a Dr. Merigan?
13:51:35 23 A I am not aware of any material that was
24 transferred to Dr. Merigan, no.
13:51:40 25 Q Are you aware of any information that was

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1 transferred to Dr. Merigan?
13:51:43 2 A No.
13:51:44 3 Q Are you aware of any material that was
4 transferred to David Schwartz?
13:51:49 5 A No.
13:51:54 6 Q Are you aware of any information that was
7 transferred to Dr. Schwartz?
13:51:58 8 A No.
13:52:02 9 Q Are you aware of any material that was
10 transferred by Cetus to anybody else at Stanford?
13:52:10 11 MR. CANNON: Objection as to form.
13:52:12 12 THE WITNESS: I am -- I do not know that at all
13 because Cetus is a big corporation, so...
13:52:20 14 BY MS. WILKINSON:
13:52:20 15 Q Other than the testimony you've previously
16 provided about information and material that was
17 transferred to Dr. Holodniy, are you aware of any
18 material or information that was transferred to anybody
19 else at Stanford?
13:52:37 20 A I do not know.
13:52:42 21 Q Mr. Casipit, did Cetus have a written policy
22 regarding confidential information?
13:52:49 23 MR. CANNON: Objection; asked and answered.
13:52:50 24 THE WITNESS: Yes, they did.
13:52:52 25 BY MS. WILKINSON:

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13:52:52 1 Q Do you have a copy of that policy today?
13:52:55 2 A Like I said before, I -- I don't have a copy of
3 it, no.
13:53:01 4 Q Can you tell me what Cetus's policy was with
5 respect to confidential information?
13:53:06 6 MR. CANNON: Objection; asked and answered.
13:53:12 7 THE WITNESS: It -- it was that you could not share
8 anything with anybody who has -- who is outside of Cetus
9 or who has not signed a confidentiality agreement. You
10 cannot show them your notebook. You cannot give them any
11 materials.
13:53:30 12 BY MS. WILKINSON:
13:53:30 13 Q You said that you couldn't share anything. Did
14 the policy allow you to share information that was
15 publicly known?
13:53:42 16 A It did not mention that, but as a rule -- as a
17 rule in -- when we were sort of given this -- when we
18 were given -- given this policy and I believe on our
19 first days of orientation, they said when in doubt, do
20 not share. So it was pretty much whatever was at work
21 you did not share with anyone who was outside. You
22 didn't talk about anything.
13:54:19 23 Q Mr. Casipit, on your resume you note that you
24 worked at Cetus/Chiron. Is that correct?
13:54:30 25 A Right.

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13:54:31 1 Q Can you explain that designation?
13:54:35 2 A What happened around 1990 was that Cetus was --
3 Cetus was merged with Chiron, and for about six or seven
4 months I worked for Chiron under basically the same group
5 within Cetus, which is now Chiron.
13:54:59 6 Q And that group was doing PCR work; is that
7 correct?
13:55:02 8 A Yes, among other things, yes.
13:55:06 9 Q And who else was in that group?
13:55:13 10 A There was -- let's see. Lelia Wu, Hing Wong,
11 Vaughan Wittman, Rony Tal, and Anne-Lisa Fear.
13:55:28 12 Q Was Alice Wang in that group?
13:55:34 13 A At the end when I -- no, she was not. She had
14 switched over to David Gelfand's group, which was the PCR
15 group.
13:55:48 16 Q And where was that?
13:55:52 17 A Within Cetus. We actually didn't have a
18 physical place. They had -- they had become a -- they
19 had been sold to Roche, and so they were still occupying
20 Cetus or Chiron buildings, yet they were still part of
21 Roche -- they were still Roche -- they were Roche. So I
22 did not go along. I stayed with microbial genetics, but
23 we still shared the same lab.
13:56:33 24 Q So you were among a group of Cetus people who
25 were doing PCR research at Cetus that moved to Chiron; is
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13:57:50 1 Q And what about Aventis Gencell? Did you use PCR
2 techniques there?
13:57:53 3 A Yes.
13:57:54 4 Q And what about the -- with respect to the work
5 that you did as a consultant to Stanford University
6 Medical School? Did that use PCR techniques you had
7 learned at Cetus?
13:58:05 8 A Yes. I did PCR, yes.
13:58:08 9 Q And with respect to your current employer, Kai
10 Pharmaceutical, did you use PCR techniques that you
11 learned at Cetus?
13:58:14 12 A Yes.
13:58:17 13 Q You testified earlier that you signed an
14 employment agreement at the time that you began work at
15 Cetus; is that correct?
13:58:23 16 A Yes.
13:58:24 17 Q As part of that employment agreement, did you
18 have any obligations to assign inventions to Cetus?
13:58:39 19 A Yes, I did, mm-hmm. I believe that was in
20 the -- in the clause, yes.
13:58:42 21 Q What is your understanding of that obligation?
13:58:45 22 MR. CANNON: Objection as to form, calls for
23 interpretation and legal conclusions.
13:58:50 24 Go ahead and answer if you have the information.
13:58:52 25 THE WITNESS: Well, my interpretation was -- is that
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1 that correct?
13:56:44 2 A Correct. But PCR -- not developing PCR. It was
3 just -- that was one of our techniques that we were
4 using, as well.
13:56:50 5 Q Did you learn -- did you -- you learned PCR
6 techniques at Cetus; is that correct?
13:56:55 7 A Yes, I did.
13:56:57 8 Q Did you use those PCR techniques in your
9 subsequent employment with Chiron?
13:57:01 10 A Yes.
13:57:13 11 Q Did you use that PCR experience in subsequent
12 jobs that you had after Chiron?
13:57:20 13 A Yes.
13:57:24 14 Q At Baxter Diagnostics, did you use PCR
15 techniques you had learned at Cetus?
13:57:29 16 A Yes.
13:57:30 17 Q And at Sunol Molecular Corporation, did you use
18 PCR techniques that you had learned at Cetus?
13:57:37 19 A Correct.
13:57:38 20 Q And at Iconix Pharmaceuticals, did you use PCR
21 techniques you learned at Cetus?
13:57:44 22 A Yes.
13:57:44 23 Q How about at Corixa? Did you use PCR techniques
24 you learned at Cetus?
13:57:49 25 A Yes.
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1 Cetus owned it; is that they would pay me a salary for my
2 inventions or whatever I would develop for them.
13:59:08 3 BY MS. WILKINSON:
13:59:08 4 Q Do you have any understanding of -- let me start
5 again.
13:59:14 6 Did you have any obligation to Cetus to assign
7 rights to inventions that you would create after you left
8 Cetus?
13:59:25 9 MR. CANNON: Objection as to form.
13:59:27 10 THE WITNESS: It was my understanding that after I
11 left Cetus it would be the property of my employer; that
12 after -- after Cetus. And depending on what their policy
13 would be.
13:59:45 14 BY MS. WILKINSON:
13:59:45 15 Q If -- and is your understanding that even if you
16 learn -- if -- let me start again.
13:59:51 17 Is it your understanding that the techniques
18 that you learned at Cetus could be used without
19 restriction at your subsequent employment?
14:00:09 20 MR. CANNON: Is there a pend- -- is that a question?
14:00:12 21 MS. WILKINSON: Yes.
14:00:12 22 Would you please read back the question.
13:59:51 23 (□The record was read as follows:
13:59:51 24 "QUESTION: Is it your understanding that
25 the techniques that you learned at Cetus
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14:18:30 1 MR. CANNON: I'll recognize that you made that
2 objection.
14:18:32 3 MS. WILKINSON: Thank you. I appreciate that.
14:18:34 4 MR. CANNON: And I understand what you're doing,
5 so...
14:18:36 6 BY MS. WILKINSON:
14:18:36 7 Q With respect to topic number 9, as Roche's
8 30(b)(6) designee, do you have anything further to add at
9 this time?
14:18:42 10 A Nothing further at this time.
14:18:43 11 Q With respect to topic number 10, as Roche's
12 30(b)(6) designee, do you have any additional testimony
13 to provide today?
14:18:53 14 A No, not at this time.
14:18:55 15 Q And with respect to topic 21, as Roche's
16 corporate 30(b)(6) designee, do you have any additional
17 information or testimony to provide?
14:19:06 18 MR. CANNON: I would caution the witness to take
19 your time and read the topic before answering.
14:19:10 20 THE WITNESS: Okay.
14:19:22 21 Yeah, not that I can recall at this time.
14:19:23 22 BY MS. WILKINSON:
14:19:23 23 Q And with respect to topic number 23, as Roche's
24 30(b)(6) designee, do you have any additional information
25 or testimony that you can provide at this time?

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14:21:40 1 A Right.
14:21:40 2 Q -- that we discussed earlier.
14:21:45 3 Do you have any testimony to provide today about
4 Roche's knowledge, including without limitation, the date
5 of its first knowledge of the research disclosed in the
6 paper -- in that paper?
14:21:57 7 A Yeah, not that I can recall at this time.
14:22:06 8 Q Do you know when Cetus had knowledge of the
9 subject matter and research disclosed in the JID paper?
14:22:24 10 A I -- I don't -- I really don't know. I can't
11 answer that question. I -- I know when I was first aware
12 of the paper, but --
14:22:32 13 Q When were you first aware of the paper?
14:22:37 14 A Gosh, I was first aware of the paper probably a
15 few months after we -- we had started -- we had closed
16 the project, through -- through interaction with Alice
17 and keeping me abreast of all what was -- what was
18 happening and writing the manuscript and so forth.
14:23:04 19 Q You mentioned that you were aware of one
20 conversation between Alice and Mark in regards to the JID
21 publication. Is that correct?
14:23:19 22 A Yeah. You'll have to fill in a little more.
23 What -- what -- what exactly...
14:23:24 24 Q You testified earlier today about a conversation
25 that Mark and Alice had about this article. Is that

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14:19:45 1 A Yeah, nothing -- nothing at this time.
14:19:46 2 Q With respect to topic 24, as Roche's 30(b)(6)
3 designee, are there any additional information or
4 testimony that you can provide at this time?
14:20:08 5 A No, not that I can recall at this time.
14:20:10 6 Q Are there any -- for topic 25, as Roche's
7 corporate 30(b)(6) designee, do you have any further
8 information or testimony to provide at this time?
14:20:25 9 A Yeah, nothing at this time.
14:20:26 10 Q And with respect to topic number 30, as Roche's
11 corporate 30(b)(6) designee, do you have any additional
12 information or testimony to add at this time?
14:20:49 13 A Yeah, nothing that I can recall at this time.
14:20:55 14 Q Oh, I'm sorry. With respect to -- to topic 30,
15 you were designated with respect to when Roche had notice
16 of the JID article that we discussed. Is that correct?
14:21:17 17 A I'm sorry. Say that again. I didn't quite get
18 that.
14:21:20 19 Q For topic number 30.
14:21:21 20 A Yeah.
14:21:21 21 Q The topic is Roche's knowledge, including,
22 without limitation, the date of its first knowledge of
23 the research disclosed in the papers and enumerated
24 therein. And article number 2 that's listed there, I
25 believe that's the -- that's the JID article --

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1 correct?
14:23:31 2 MR. CANNON: Objection to form.
14:23:31 3 THE WITNESS: Yeah, I mean could you be more
4 precise? There was a lot...
14:23:40 5 BY MS. WILKINSON:
14:23:40 6 Q You mentioned that you learned about this
7 article with respect to the closing date of the project.
14:23:49 8 MR. CANNON: Objection to form.
14:23:53 9 BY MS. WILKINSON:
14:23:53 10 Q Let me start again. When did you first learn
11 about this article?
14:23:59 12 A Okay. I learned about this article probably --
13 I'm thinking it was about a few months after we had
14 closed the project.
14:24:08 15 Q And what project did you close?
14:24:10 16 A Oh, I'm sorry. The -- the HIV -- the HIV -- the
17 PCR on HIV standard, that project, yes.
14:24:22 18 Q And that's the project that we've discussed as
19 running through the duration of your two notebooks --
14:24:31 20 A Correct.
14:24:31 21 Q -- that ended at the same time as the last
22 notebook entry that we discussed today; is that correct?
14:24:37 23 A Correct.
14:24:45 24 Q And what did closing of that project involve?
14:25:01 25 A It involved Hing Wong, who was my new supervisor

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1 or department head of my new department, telling me that
2 we wouldn't work on it any longer, that we wouldn't
3 support it any longer.
14:25:12 4 Q Are you aware of anybody else at Cetus after
5 that time reopening or continuing work on that project?
14:25:21 6 A Yes, I do.
14:25:22 7 Q And can you tell me about that?
14:25:27 8 A I believe it was a few months before I left the
9 company, I was approached by a Cindy Christopherson from
10 Shirley Kwok's lab asking for the -- the RNA standard and
11 actually some of the plasmid, as well.
14:25:48 12 And then after I had left the company, when I
13 was at Baxter she had called me up and asked me some
14 information also about the whereabouts of the plasmid so
15 she could make some more and continue.
14:26:04 16 Q When did Ms. Christopherson contact you
17 initially?
14:26:12 18 A Initially it was, yeah, a couple of months
19 before I left. I can't remember the -- I can't remember
20 the exact date.
14:26:21 21 Q Before you left Chiron or Cetus?
14:26:24 22 A Well, before I left Chiron. It had already
23 changed to Chiron.
14:26:28 24 Q Your resume indicates that you left Chiron in
25 April of 1992. Is that correct?

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14:26:35 1 A Correct, yeah. So it -- she probably told me
2 sometime around April -- yeah, probably early -- early
3 January of that year, yeah.
14:26:47 4 Q Who worked with Ms. Christopherson on -- on the
5 continuation of this project?
14:26:55 6 MR. CANNON: Objection as to form.
14:26:59 7 THE WITNESS: It -- I don't -- I don't know who
8 worked with her. I know who she worked -- whose lab she
9 worked for, and that was Shirley Kwok's lab.
14:27:10 10 BY MS. WILKINSON:
14:27:10 11 Q Do you know anybody else who was involved in
12 that project?
14:27:12 13 A No. It was -- it was out of my hands at that
14 point.
14:27:16 15 Q Do you know if anybody was corresponding or
16 communicating with Mark Holodniy or anybody else at
17 Stanford in regards to that project?
14:27:31 18 A I -- I have no knowledge if they did or did not.
14:27:34 19 Q Did you give her anything else besides the
20 standard?
14:27:38 21 A Yeah, and the plasmid, as well. The construct
22 itself.
14:27:42 23 Q Did you give her anything else other than the
24 standard and the plasmid?
14:27:52 25 A I may have given her a map of it, along with the

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1 plasmid. I don't really recall anything else.
14:28:05 2 Q Do you know how long that project continued?
14:28:08 3 A I -- I know it probably continued after I last
4 heard from her when I was in Baxter, but I don't know how
5 much longer.
14:28:16 6 Q Are you familiar with the circumstances leading
7 up to the project being reopened?
14:28:20 8 A No. I was out of -- I was not in the PCR group
9 at that time.
14:28:31 10 MS. WILKINSON: Okay. I think that -- that's
11 everything that I have. If we could take a short break
12 so that I could review my notes.
14:28:38 13 MR. CANNON: Sure.
14:28:38 14 MS. WILKINSON: Thank you.
14:28:42 15 THE VIDEOGRAPHER: Should I change tapes?
14:28:43 16 MS. RHYU: We're probably going to be very brief.
14:28:45 17 THE VIDEOGRAPHER: The time is 2:28. We're going
18 off the record.
14:29:04 19 (□Recess taken: 2:28 until 2:40 p.m.)
14:40:45 20 THE VIDEOGRAPHER: The time is 2:40. We are back on
21 the record.
14:40:48 22 BY MS. WILKINSON:
14:40:48 23 Q Mr. Casipit, you mentioned a Ms. Christopherson
24 before we took a break. Is that correct?
14:40:54 25 A Yes.

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14:40:54 1 Q Can you please spell her name?
14:40:56 2 A C-H-R-I-S-T-O-P-H-E-R-S-O-N.
14:41:01 3 Q And do you know her first name?
14:41:03 4 A Yes. Cynthia.
14:41:04 5 Q And do you know of her most recent address?
14:41:11 6 A No. No, I don't.
14:41:14 7 Q Do you know, what is the last address that you
8 had for her?
14:41:17 9 A The last address, she was working at Roche.
14:41:21 10 Q And was there a particular division of Roche
11 where she was at?
14:41:27 12 A Yes. Roche Molecular Systems over in Alameda.
14:41:30 13 Q And when was the last time you had any contact
14 with her?
14:41:37 15 A The last time I had contact with her was
16 probably around December of '90 -- of '92 or '93. I came
17 back for Christmastime and I was visiting.
14:41:51 18 Q Did you discuss the project --
14:41:53 19 A No.
14:41:54 20 Q -- at that time?
14:41:54 21 Have you ever discussed the project with her
22 beyond what you've testified to today?
14:41:58 23 A No.
14:42:01 24 MS. WILKINSON: That's all I have, Counsel.
14:42:04 25 MR. CANNON: Okay. I don't -- I don't have any --

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1 any further questions, but I want to designate the
 2 transcript as highly confidential, attorney's eyes only.
 3 And per agreement with the other side, the witness will
 4 have the opportunity to review the transcript before it
 5 is finalized.
 14:42:23 6 MS. WILKINSON: Thank you. Thank you very much for
 7 your time.
 14:42:27 8 THE VIDEOGRAPHER: This concludes today's deposition
 9 of Clayton Casipit. The number of media used was two.
 10 We are off the record at 2:42 p.m.
 14:42:47 11 THE REPORTER: For the written record,
 12 Ms. Wilkinson, would you like a copy of the transcript?
 14:42:53 13 MS. WILKINSON: Yes.
 14:42:54 14 MS. RHYU: Yes.
 14:42:55 15 THE REPORTER: Counsel, for you?
 14:42:55 16 MR. CANNON: Yes. I'd like a rough ASCII e-mailed
 17 to me, and I'd like the regular -- the transcript as soon
 18 as you get it done, and then we've agreed that the party
 19 taking the depo is going to keep the originals and my
 20 copies.
 14:43:17 21 MS. WILKINSON: We would also request a copy of the
 22 rough ASCII transcript, please.
 14:43:21 23 THE REPORTER: Thank you.
 14:43:22 24 MR. CANNON: And if you could send the actual
 25 manuscript to me, I will get it to the witness for

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9 I, CLAYTON CASIPIT, do hereby declare under
10 penalty of perjury that I have read the foregoing
11 transcript of my deposition; that I have made such
12 corrections as noted herein, in ink, initialed by me, or
13 attached hereto; that my testimony as contained herein,
14 as corrected, is true and correct.
15 EXECUTED this ____ day of _____,
16 20__, at _____,
17 _____
18 (City) (State)
19
20 CLAYTON CASIPIT
21
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25

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1 viewing and signing.
 14:43:45 2 THE REPORTER: Are there any time constraints on
 3 this transcript?
 14:43:53 4 MR. CANNON: I'd like it in one week, please.
 14:43:53 5 MS. RHYU: We'll take the same.
 14:43:53 6 //
 14:45:47 7 //
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1 STATE OF CALIFORNIA)
 : ss
 2 COUNTY OF CONTRA COSTA)
 3
 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23
 24 TRACY L. PERRY
 25 CSR No. 9577

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