

CONFIDENTIAL ATTORNEYS EYES ONLY - RESTRICTED

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF CALIFORNIA
 3
 4 THE BOARD OF THE TRUSTEES OF
 THE LELAND STANFORD JUNIOR UNIVERSITY,
 5
 Plaintiff,
 6
 vs. No. C-05-04158 MHP
 7
 ROCHE MOLECULAR SYSTEMS, INC.;
 ROCHE DIAGNOSTICS CORPORATION;
 ROCHE DIAGNOSTICS OPERATIONS,
 INC.; ROCHE DIAGNOSTIC SYSTEMS,
 INC.,
 8
 Defendant.
 9
 AND RELATED COUNTERCLAIM.
 10
 CONFIDENTIAL - ATTORNEYS' EYES ONLY - RESTRICTED
 VIDEOTAPED DEPOSITION OF ALICE WANG, Ph.D.
 Redwood Shores, California
 Tuesday, August 8 2006
 11
 Reported by:
 SUZANNE F. BOSCHETTI
 CSR No. 5111
 Job No. 3-50828
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1 APPEARANCES:
 2
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 4 et al.:
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 8 ROCHE MOLECULAR SYSTEMS, INC.;
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 10 INC.,
 11 Defendant.
 12
 AND RELATED COUNTERCLAIM.
 13
 Confidential videotaped deposition of ALICE
 14 WANG, Ph.D., taken on behalf of Plaintiff and
 15 Counterclaim Defendants The Board of the Trustees of
 16 the Leland Stanford Junior University, at 555 Twin
 17 Dolphin Drive, Suite 560, Redwood Shores, California,
 18 beginning at 10:02 a.m. and ending at 2:07 p.m. on
 19 Tuesday, August 8, 2006, before SUZANNE F. BOSCHETTI,
 20 Certified Shorthand Reporter No. 5111.
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 10 5 pages
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 24
 25
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10:20:55 1 team, so he did all the work, and I help him to
 10:21:03 2 interpret data inside that. So when come to the
 10:21:07 3 writing the sections, I think, you know, both us put
 10:21:11 4 some effort on it.
 10:21:11 5 BY MS. WILKINSON:
 10:21:16 6 Q. And did you write or do you know if
 10:21:20 7 Mr. Casipit wrote anything other than the cRNA
 10:21:26 8 section?
 10:21:28 9 A. I don't know.
 10:21:29 10 Q. How long yesterday did you look at the JID
 10:21:36 11 article?
 10:21:38 12 A. Couple minutes.
 10:21:43 13 MS. WILKINSON: I'd like to mark as
 10:21:47 14 Exhibit 579 a paper entitled "Detection and
 10:21:51 15 Quantification of Human Immunodeficiency Virus RNA in
 10:21:56 16 Patient Serum By Use of the Polymerase Chain
 10:21:59 17 Reaction." It's been Bates labeled WAN0001 through
 10:22:29 18 05.
 10:22:29 19 (Deposition Exhibit 579 marked by the
 10:22:29 20 court reporter.)
 10:22:29 21 BY MS. WILKINSON:
 10:22:40 22 Q. Ms. Wang, do you recognize this document?
 10:22:43 23 A. Yes.
 10:22:43 24 Q. Is this the paper that you reviewed
 10:22:45 25 yesterday?

10:24:15 1 MR. STONE: So she's referring to this part.
 10:24:19 2 THE WITNESS: Oh. So okay. We wrote the
 10:24:23 3 entire construction of gag cRNA standard and to
 10:24:30 4 continue to the next page before the enzyme-linked
 10:24:34 5 affinity assay.
 10:24:34 6 BY MS. WILKINSON:
 10:24:36 7 Q. Okay. And that one section of this paper,
 10:24:40 8 that is the extent of your contribution to this
 10:24:47 9 article; is that correct?
 10:24:48 10 A. Yes.
 10:25:09 11 Q. When did you join Cetus Corporation?
 10:25:14 12 A. 1980.
 10:25:17 13 Q. Your curriculum vitae indicated that you
 10:25:20 14 did PCR work while you were at Cetus; is that
 10:25:24 15 correct?
 10:25:24 16 A. Yes.
 10:25:24 17 Q. And when did you begin working in the area
 10:25:26 18 of PCR?
 10:25:37 19 A. '80 -- mid '80s. Don't -- don't recall
 10:25:45 20 exactly.
 10:25:46 21 Q. And can you tell me generally about the
 10:25:49 22 PCR projects that you did in the -- starting in the
 10:25:53 23 mid '80s at Cetus?
 10:25:55 24 MR. STONE: Objection. Overbroad.
 10:26:02 25 THE WITNESS: At that time we started

10:22:47 1 A. Yes.
 10:22:50 2 Q. You're a coauthor on this publication; is
 10:22:53 3 that correct?
 10:22:53 4 A. Yes.
 10:22:53 5 Q. Can you please point me to the portion of
 10:22:57 6 this article that you or Mr. Casipit authored?
 10:23:06 7 A. So the first page at the right side at the
 10:23:11 8 bottom section, "Construction of gag cRNA standard."
 10:23:17 9 Q. So at the bottom of page WAN0001, you're
 10:23:24 10 talking about the last paragraph, "Construction of
 10:23:28 11 gag cRNA standard"; is that correct?
 10:23:29 12 A. Yes.
 10:23:30 13 Q. Is there anything else?
 10:23:35 14 A. That's it.
 10:23:43 15 Q. Did you contribute to the section as it
 10:23:46 16 continues on page WAN0002?
 10:23:52 17 MR. STONE: And what are you referring to
 10:23:54 18 exactly?
 10:23:55 19 MS. WILKINSON: I'm referring to Exhibit 579,
 10:23:58 20 the -- in the left column, the top one, two, three,
 10:24:03 21 four, five -- six lines up until the section title
 10:24:07 22 "Enzyme-linked affinity assay."
 10:24:12 23 THE WITNESS: No.
 10:24:12 24 BY MS. WILKINSON:
 10:24:13 25 Q. Okay. So the portion --

10:26:04 1 atherosclerosis project, and so we like to use PCR
 10:26:08 2 method to quantify the gene expression.
 10:26:08 3 BY MS. WILKINSON:
 10:26:16 4 Q. What do you mean by quantify?
 10:26:18 5 A. Determine the expression levels of the genes.
 10:26:23 6 Q. What do you mean by "determine the
 10:26:25 7 expression levels"?
 10:26:29 8 A. So we like to measure the messenger RNA
 10:26:33 9 level.
 10:26:35 10 Q. Are you referring to measuring the number
 10:26:37 11 of copies of --
 10:26:41 12 A. Of the --
 10:26:42 13 Q. -- mRNA?
 10:26:44 14 A. Yes.
 10:26:44 15 Q. So when you use the term quantitate or
 10:26:48 16 quantify, you're referring to determining the
 10:26:52 17 absolute number of copies of particular nucleotide
 10:26:59 18 sequence; is that correct?
 10:27:00 19 MR. STONE: Objection. Overbroad.
 10:27:03 20 THE WITNESS: So while quantify can be
 10:27:06 21 absolute quantitation or relative quantitation.
 10:27:06 22 BY MS. WILKINSON:
 10:27:14 23 Q. And when you're talking now about doing
 10:27:17 24 quantitation, were you talking about absolute or
 10:27:21 25 relative?

10:37:00 1 BY MS. WILKINSON:
10:37:02 2 Q. Do you know when that was published?
10:37:06 3 A. Don't recall. Too long ago.
10:37:09 4 Q. Would looking at your resume help refresh
10:37:13 5 your recollection about when this work was
10:37:15 6 published?
10:37:16 7 A. Sure.
10:37:31 8 MS. WILKINSON: I'd like to mark as
10:37:34 9 Exhibit 581 the resume of Ms. Alice Wang.
10:37:34 10 (Deposition Exhibit 581 marked by the
10:37:58 11 court reporter.)
10:37:58 12 MS. WILKINSON: The record to reflect that
10:38:01 13 Exhibit 581 has been Bates labeled WAN00045 through
10:38:11 14 48.
10:38:20 15 Q. Ms. Wang, if I could call your attention
10:38:22 16 to publication No. 13. Does that refresh your
10:38:31 17 recollection about when this work was published?
10:38:35 18 A. Yes.
10:38:36 19 Q. And when was that?
10:38:37 20 A. 1989.
10:38:39 21 Q. Okay. Going back to the previous
10:38:44 22 Exhibit 580, at section VII, do you see where it
10:38:54 23 states "Please keep IPLD informed of potential
10:38:59 24 disclosures after filing this form"?
10:39:02 25 A. Excuse me.

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10:39:04 1 (Telephonic interruption.)
10:39:23 2 THE WITNESS: Sorry about that.
10:39:23 3 BY MS. WILKINSON:
10:39:24 4 Q. Is it off now?
10:39:25 5 A. Yes. Could you repeat the question?
10:39:28 6 Q. Looking at section 7 of Exhibit 580, page
10:39:34 7 RMS 0064459, section entitled "Disclosure to Third
10:39:40 8 Parties," do you see where I'm at?
10:39:41 9 A. Yes.
10:39:42 10 Q. Do you see where it says, "Please keep
10:39:44 11 IPLD informed of potential disclosures after filing
10:39:48 12 this form"?
10:39:52 13 A. Yes.
10:39:54 14 Q. What is IPLD, if you know?
10:40:02 15 A. I don't know at this time.
10:40:03 16 Q. Do you recall if that stands for
10:40:06 17 intellectual property licensing department?
10:40:09 18 MR. STONE: Objection. Lacks foundation.
10:40:11 19 Calls for speculation.
10:40:17 20 THE WITNESS: I would think so.
10:40:17 21 BY MS. WILKINSON:
10:40:19 22 Q. Did you understand that you had an
10:40:20 23 obligation to update the IPLD?
10:40:23 24 MR. STONE: Objection. Vague and ambiguous.
10:40:25 25 Overbroad.

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10:40:31 1 THE WITNESS: I suppose so.
10:40:31 2 BY MS. WILKINSON:
10:40:32 3 Q. Did you?
10:40:34 4 A. I don't remember. It's a long time ago.
10:40:38 5 Q. So you have no memory of submitting any
10:40:43 6 documents updating disclosures of this work?
10:40:51 7 MR. STONE: Objection. Lacks foundation.
10:40:52 8 Calls for speculation.
10:40:54 9 THE WITNESS: I don't recall.
10:40:54 10 BY MS. WILKINSON:
10:40:55 11 Q. Did you disclose this work to any third
10:40:58 12 parties after filing this form?
10:41:00 13 MR. STONE: Objection. Vague and ambiguous,
10:41:02 14 overbroad.
10:41:09 15 THE WITNESS: You mean to discuss with other
10:41:12 16 people about our work?
10:41:14 17 BY MS. WILKINSON:
10:41:15 18 Q. Yes.
10:41:18 19 A. Yeah, this is -- this is, you know, the work,
10:41:21 20 you know, we think will help the quantitation, so,
10:41:27 21 yeah, we discuss it with our colleagues about.
10:41:30 22 Q. And which colleagues did you discuss it
10:41:33 23 with?
10:41:35 24 A. That's -- don't recall. There's so many
10:41:38 25 people there, so --

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10:41:39 1 Q. Third parties?
10:41:40 2 MR. STONE: Objection. Vague and ambiguous.
10:41:42 3 THE WITNESS: Don't remember.
10:41:42 4 BY MS. WILKINSON:
10:41:45 5 Q. You don't remember any third parties with
10:41:47 6 whom you've discussed this work since you submitted
10:41:50 7 this form?
10:41:53 8 A. See, we have very open laboratory structure,
10:41:58 9 so we have a lot of people, you know, in there. So
10:42:02 10 the day-to-day conversation, just don't recall
10:42:05 11 specifically.
10:42:06 12 Q. So in your open laboratory structure, was
10:42:10 13 it your practice to discuss the work that you were
10:42:15 14 doing with -- with people that were -- that were
10:42:18 15 there?
10:42:20 16 MR. STONE: Objection. Vague and ambiguous,
10:42:22 17 overbroad.
10:42:23 18 THE WITNESS: Since we developed this, you
10:42:25 19 know, quantitation method, so if people interested in
10:42:29 20 doing similar thing, and they will come to us and we
10:42:33 21 will discuss that.
10:42:37 22 BY MS. WILKINSON:
10:42:38 23 Q. So is it your practice to share with third
10:42:40 24 parties the work that you were doing on
10:42:43 25 quantitative PCR?

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10:42:46 1 MR. STONE: Objection. Vague and ambiguous,
10:42:47 2 overbroad.
10:42:49 3 THE WITNESS: As I said, okay, if people
10:42:58 4 interested in this, we will discuss it.
10:43:01 5 BY MS. WILKINSON:
10:43:01 6 Q. So you shared the work that you were doing
10:43:03 7 on quantitative PCR with other people in this
10:43:06 8 scientific community freely; is that correct?
10:43:10 9 MR. STONE: Objection. Vague and ambiguous.
10:43:11 10 Overbroad. Misstates her testimony.
10:43:14 11 THE WITNESS: Yeah, at that time, also, you
10:43:16 12 know, since we had this method, and we have some
10:43:21 13 outside people, collaborators come to us to learn
10:43:30 14 this.
10:43:30 15 BY MS. WILKINSON:
10:43:31 16 Q. And the outside collaborators that came to
10:43:34 17 learn this method, were there any restrictions
10:43:39 18 about what they could do with the information that
10:43:42 19 you were giving them that you're aware of?
10:43:44 20 MR. STONE: Object to the extent it calls for
10:43:46 21 a legal conclusion. Object to the extent it lacks
10:43:48 22 foundation and calls for speculation.
10:43:51 23 THE WITNESS: I don't know what you mean by
10:43:53 24 that.
10:43:53 25 BY MS. WILKINSON:

10:45:24 1 in their scientific practice; is that correct?
10:45:27 2 MR. STONE: Objection. Calls for
10:45:29 3 speculation. Overbroad.
10:45:30 4 THE WITNESS: I don't know what they would
10:45:32 5 do, so we just work together for the specific project,
10:45:37 6 you know, we both interested in.
10:45:37 7 BY MS. WILKINSON:
10:45:39 8 Q. So you had no understanding of what they
10:45:42 9 were going to do with that knowledge once they left
10:45:46 10 Cetus; is that correct?
10:45:47 11 MR. STONE: So you're referring to some vague
10:45:49 12 they? Objection, overbroad. Calls for speculation.
10:45:57 13 THE WITNESS: I don't want to guess.
10:45:57 14 BY MS. WILKINSON:
10:46:00 15 Q. So you have no understanding of why any
10:46:04 16 scientist came to Cetus to learn PCR techniques?
10:46:09 17 MR. STONE: Objection. Misstates her
10:46:10 18 testimony. Argumentative. Overbroad and asked and
10:46:16 19 answered.
10:46:20 20 THE WITNESS: As I said, okay, at that time
10:46:22 21 people just like to come to Cetus to learn the PCR.
10:46:27 22 PCR has just started, and people had no equipment, no
10:46:31 23 knowledge about the PCR.
10:46:31 24 BY MS. WILKINSON:
10:46:34 25 Q. Is your testimony that as of February

10:43:53 1 Q. What is your understanding of why people
10:43:56 2 would come to you and ask about quantitative PCR in
10:44:04 3 the work that you had been doing?
10:44:05 4 MR. STONE: Same objections.
10:44:06 5 THE WITNESS: At that time, okay, this is
10:44:08 6 very new approach and a new method. And Cetus is the
10:44:15 7 center of the PCR, so the outside people definitely
10:44:19 8 like to come to Cetus to learn the PCR. And also the
10:44:24 9 quantitative PCR is another level of that.
10:44:24 10 BY MS. WILKINSON:
10:44:28 11 Q. And is it your understanding that people
10:44:30 12 would come to learn this technique and then they
10:44:36 13 would go to their regular place of business and use
10:44:41 14 this technique that -- that they learned?
10:44:45 15 MR. STONE: Objection. Calls for
10:44:46 16 speculation.
10:44:48 17 THE WITNESS: Normally we have a collaborator
10:44:51 18 come to work with us, and, you know, we -- we work
10:44:57 19 together to get a project done. And also, my boss at
10:45:03 20 that time, Dr. David Mark, he's kind of start to talk
10:45:11 21 to collaborator first.
10:45:11 22 BY MS. WILKINSON:
10:45:14 23 Q. But it's your understanding that the
10:45:16 24 scientists who came to learn techniques at Cetus
10:45:20 25 would then use those techniques that they learned

10:46:37 1 1989, there was no knowledge in the scientific
10:46:41 2 community about PCR or equipment to do so?
10:46:44 3 A. I don't mean that.
10:46:45 4 MR. STONE: Objection. Vague and ambiguous,
10:46:47 5 overbroad, argumentative.
10:46:53 6 THE WITNESS: PCR is, you know, keeping
10:46:57 7 evolving. A lot of application came generally from
10:47:01 8 the PCR technology. So even PCR invented '84, '85, by
10:47:09 9 '89, still a lot of work need to be done to improve
10:47:13 10 the PCR technology.
10:47:16 11 MS. WILKINSON: I'd like to introduce as
10:47:18 12 Exhibit 582 a paper titled "Quantitation of mRNA by
10:47:27 13 the polymerase chain reaction" labeled RMS 0061685
10:47:35 14 through 89. And actually, I'm sorry, I think I said
10:47:40 15 this would be Exhibit 582. This was actually
10:47:43 16 previously marked as Exhibit 12.
10:47:43 17 (Deposition Exhibit 12 previously marked
10:47:43 18 was presented to the witness.)
10:47:43 19 BY MS. WILKINSON:
10:47:59 20 Q. Ms. Wang, do you recognize this document?
10:48:01 21 A. Yes.
10:48:01 22 Q. You are the first author; is that right?
10:48:04 23 A. Yes.
10:48:04 24 Q. What is this article about?
10:48:06 25 MR. STONE: Objection. Overbroad.

11:16:05 1 Q. Before this work, you testified that you
11:16:06 2 had not been involved in a project to insert HIV
11:16:13 3 DNA into a plasmid; is that correct?
11:16:16 4 A. Yes.
11:16:17 5 Q. At the time of this work, were you aware
11:16:24 6 of any quantitative PCR work in the area of HIV
11:16:29 7 that was being done at Cetus?
11:16:35 8 A. I don't recall.
11:16:42 9 Q. Did you assign Mr. Casipit to make a
11:16:47 10 plasmid for expressing sequence that Mark Holodniy
11:16:51 11 was interested in?
11:16:52 12 MR. STONE: Objection. Vague and ambiguous.
11:16:54 13 Overbroad. Lacks foundation.
11:16:57 14 THE WITNESS: I just instruct, you know,
11:17:03 15 Clayton to construct this plasmid to generate a cRNA
11:17:09 16 for HIV, you know, quantitation.
11:17:09 17 BY MS. WILKINSON:
11:17:12 18 Q. And why did you do that?
11:17:14 19 A. Why did I do that?
11:17:17 20 Q. Yeah.
11:17:23 21 A. I was, you know, given this by my supervisor,
11:17:27 22 the project.
11:17:29 23 Q. Who was your supervisor?
11:17:31 24 A. Dr. David Mark.
11:17:34 25 Q. And what was your understanding of why
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11:17:37 1 Dr. Mark asked you to work on this project?
11:17:43 2 A. I don't know. At that time we had a lot of
11:17:48 3 collaborators from outside, and so this is one of
11:17:53 4 them.
11:17:55 5 Q. And was this project related to any
11:17:59 6 particular collaborator?
11:18:02 7 A. Yeah. Mark Holodniy.
11:18:07 8 Q. And what was your understanding of
11:18:12 9 Mr. Holodniy's interest in this project?
11:18:16 10 MR. STONE: Objection. Vague and ambiguous.
11:18:21 11 THE WITNESS: Because we just developed
11:18:23 12 quantitative method to measure the messenger RNA
11:18:29 13 level, so a lot of people, you know, like to learn
11:18:33 14 this technique. And so I guess Mark interested to
11:18:44 15 quantify.
11:18:44 16 BY MS. WILKINSON:
11:18:46 17 Q. And this technique that you're referring
11:18:49 18 to for quantification of mRNA, is that the
11:18:53 19 technique that you published in Exhibit 12, the
11:19:00 20 PNAS paper that we discussed earlier?
11:19:02 21 A. Yes.
11:19:02 22 Q. And that was published in 1989; is that
11:19:06 23 correct?
11:19:06 24 A. Yes. But before we publish it, we work for,
11:19:10 25 you know, a few years before that.
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11:19:15 1 Q. On the quantification of mRNA for
11:19:20 2 lymphokines and related genes; is that correct?
11:19:25 3 A. Yes.
11:19:32 4 Q. And the plasmid that you instructed
11:19:37 5 Mr. Casipit to make, did that use the techniques
11:19:44 6 that you had developed and described in Exhibit 12
11:19:52 7 as we had discussed before?
11:19:54 8 MR. STONE: Objection. Vague and ambiguous,
11:19:55 9 overbroad.
11:19:58 10 THE WITNESS: Not exact the same, because
11:20:02 11 this -- this HIV project only insert, you know, one
11:20:09 12 piece of HIV gene. Only try to, you know, amplify the
11:20:19 13 HIV gene, not the other genes.
11:20:21 14 BY MS. WILKINSON:
11:20:21 15 Q. So it was simpler with respect to the DNA
11:20:28 16 that you were trying to amplify; is that correct?
11:20:31 17 MR. STONE: Objection. Vague and ambiguous.
11:20:32 18 Argumentative.
11:20:35 19 THE WITNESS: In the sense of multiple genes
11:20:37 20 or single gene, yes, right. But in terms of construct
11:20:44 21 the plasmid, it just as, you know, complicated as the
11:20:48 22 other one.
11:20:48 23 BY MS. WILKINSON:
11:20:50 24 Q. The construction of plasmids with
11:20:56 25 synthetic DNA inserts, that's not something that
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11:21:01 1 you developed, correct?
11:21:04 2 MR. STONE: Objection. Vague and ambiguous.
11:21:06 3 Overbroad.
11:21:08 4 THE WITNESS: Could you rephrase that?
11:21:10 5 BY MS. WILKINSON:
11:21:10 6 Q. The construction -- the insertion of DNA
11:21:14 7 sequence into a plasmid, you're not the first
11:21:18 8 person in molecular biology to have done that; is
11:21:23 9 that correct?
11:21:23 10 MR. STONE: Same objection.
11:21:25 11 THE WITNESS: Cloning is very broad area. So
11:21:31 12 -- but, you know, in order to get the specific piece
11:21:35 13 put in the right vector, you need to have some
11:21:40 14 knowledge.
11:21:41 15 BY MS. WILKINSON:
11:21:41 16 Q. Right. And I'm just trying to
11:21:44 17 understand --
11:21:44 18 A. Yes.
11:21:44 19 Q. -- understand the knowledge and what
11:21:48 20 you -- and what you did, so I appreciate you --
11:21:52 21 A. Okay.
11:21:52 22 Q. -- you explaining that to me.
11:21:54 23 The plasmid that Clayton made for
11:21:59 24 expressing the DNA insert for HIV, that used
11:22:08 25 techniques that were well known in molecular
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11:43:01 1 Q. You testified that either you or
11:43:02 2 Mr. Casipit gave Mark cRNA standard; is that
11:43:08 3 correct?
11:43:08 4 A. Yes.
11:43:08 5 Q. Did you give -- are you -- sitting here
11:43:14 6 today, do you recall giving Mark anything else?
11:43:19 7 MR. STONE: Objection. Vague and ambiguous,
11:43:21 8 overbroad. Are you referring to something physical?
11:43:25 9 THE WITNESS: Yeah, I don't quite understand
11:43:28 10 what you're trying to ask.
11:43:28 11 BY MS. WILKINSON:
11:43:30 12 Q. Do you recall handing Mark Holodniy
11:43:33 13 anything else at any point?
11:43:35 14 MR. STONE: Objection. Vague and ambiguous.
11:43:37 15 Overbroad:
11:43:38 16 THE WITNESS: That just too long ago. I
11:43:41 17 don't recall.
11:43:41 18 BY MS. WILKINSON:
11:43:42 19 Q. You don't recall giving Mark Holodniy any
11:43:44 20 reagents?
11:43:46 21 MR. STONE: Objection. Misstates her
11:43:49 22 testimony.
11:43:50 23 THE WITNESS: If you can mention some, maybe
11:43:54 24 refresh my memory. I don't recall anything.
11:43:54 25 BY MS. WILKINSON:

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11:45:02 1 A. No. I don't recall that, either.
11:45:04 2 Q. Do you recall giving any documents to Mark
11:45:24 3 Holodniy?
11:45:24 4 A. This is a collaborative work, so we must have
11:45:28 5 discussed the quantitative method, so I might have
11:45:33 6 give him our -- a paper or some approaches we're
11:45:39 7 trying to do.
11:45:42 8 Q. The paper that you're referring to, is
11:45:44 9 that Exhibit 12?
11:45:50 10 MR. STONE: I just caution the witness not to
11:45:52 11 speculate.
11:45:52 12 THE WITNESS: I don't recall.
11:45:52 13 BY MS. WILKINSON:
11:45:54 14 Q. So sitting here today, you can't identify
11:45:58 15 for me any specific documents that you gave to Mark
11:46:07 16 Holodniy; is that right?
11:46:08 17 A. Yes.
11:46:08 18 Q. Generally, do you remember giving Mark any
11:46:13 19 documents?
11:46:16 20 MR. STONE: Objection. Asked and answered.
11:46:18 21 THE WITNESS: I don't recall.
11:46:22 22 BY MS. WILKINSON:
11:46:22 23 Q. Okay. Do you recall -- do you know
11:46:24 24 whether Mr. Casipit gave Mark Holodniy any
11:46:29 25 documents?

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11:43:57 1 Q. But sitting here today, you can't identify
11:43:59 2 for me anything else that you gave to Mark
11:44:03 3 Holodniy; is that right?
11:44:03 4 MR. STONE: Objection. Vague and ambiguous,
11:44:05 5 overbroad.
11:44:06 6 THE WITNESS: Are you talking about papers,
11:44:09 7 reagents? What are you talking about?
11:44:11 8 BY MS. WILKINSON:
11:44:12 9 Q. Let's talk about -- let's talk about
11:44:14 10 reagents first. Sitting here today, can you list
11:44:18 11 for me all the -- all or any reagents that you
11:44:25 12 recall giving to Mark Holodniy?
11:44:30 13 A. I don't recall.
11:44:30 14 Q. You don't recall any reagents that you
11:44:32 15 gave to Mark Holodniy, correct?
11:44:38 16 MR. STONE: Objection. Misstates her
11:44:40 17 testimony.
11:44:40 18 THE WITNESS: Just too -- just been too long.
11:44:43 19 Don't recall.
11:44:43 20 BY MS. WILKINSON:
11:44:46 21 Q. Do you recall whether Mr. Casipit gave
11:44:48 22 Mark Holodniy any reagents?
11:44:53 23 A. No, I don't recall that, either.
11:44:55 24 Q. Do you recall whether anybody else gave
11:44:58 25 Mark any reagents?

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11:46:30 1 A. I don't know.
11:46:32 2 Q. Do you know whether anybody else gave Mark
11:46:38 3 Holodniy any documents?
11:46:39 4 A. I don't know.
11:46:44 5 Q. Did you interact with Mr. Holodniy while
11:46:49 6 he was at Cetus?
11:46:50 7 A. Yes.
11:46:51 8 Q. How frequently?
11:47:01 9 A. I don't recall how frequently, but -- yeah, I
11:47:04 10 don't recall that.
11:47:06 11 Q. Do you recall any specific interactions
11:47:11 12 that you had with Mr. Holodniy at Cetus?
11:47:21 13 A. Yes, he came to our lab to ask help for
11:47:23 14 cloning the plasma to generate the cRNA for the HIV.
11:47:28 15 Q. So Mr. Holodniy came to your lab because
11:47:37 16 he was interested in making a standard for
11:47:41 17 quantifying HIV; is that your testimony?
11:47:44 18 MR. STONE: Objection. Misstates her
11:47:46 19 testimony.
11:47:48 20 THE WITNESS: What I said is he came to our
11:47:50 21 lab to ask help for this.
11:47:50 22 BY MS. WILKINSON:
11:48:05 23 Q. Is it your understanding that he came to
11:48:07 24 Cetus because he wanted to learn PCR techniques?
11:48:19 25 A. I don't know exactly why he, you know, came

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11:48:21 1 to Cetus to learn, but I knew he came to our lab to
 11:48:27 2 get our help.
 11:48:28 3 Q. So at the time that you met Mr. Holodniy,
 11:48:34 4 he was interested in quantitating RNA from HIV
 11:48:46 5 samples; is that right?
 11:48:49 6 MR. STONE: Objection. Lacks foundation,
 11:48:51 7 calls for speculation.
 11:48:56 8 THE WITNESS: I don't know. So I just know
 11:48:58 9 David Mark introduced him to me.
 11:49:01 10 BY MS. WILKINSON:
 11:49:01 11 Q. At the time that you met Mr. Holodniy,
 11:49:08 12 your understanding was that he was interested in
 11:49:13 13 HIV quantitation at that time?
 11:49:25 14 A. I don't know exactly, okay. I just know that
 11:49:29 15 he came to our lab, introduced by Dave -- you know, my
 11:49:33 16 boss, and was -- we were asked to help him doing this.
 11:49:40 17 Q. But his interest in quantitating HIV did
 11:49:46 18 not develop after he met you. You knew that about
 11:49:52 19 him at the time that you were introduced to him; is
 11:49:56 20 that right?
 11:49:56 21 MR. STONE: Objection. Lacks foundation.
 11:49:57 22 Calls for speculation.
 11:50:00 23 THE WITNESS: I don't know.
 11:50:00 24 BY MS. WILKINSON:
 11:50:01 25 Q. You testified that your supervisor

11:51:23 1 A. He -- we -- we -- because PCR works with
 11:51:34 2 another piece work there. So he came to our lab. You
 11:51:38 3 know, we could have instructed him how to do PCR.
 11:51:41 4 Q. So you stated that you recalled your
 11:51:48 5 initial interaction with Mark Holodniy, the
 11:51:53 6 introduction by your boss. Do you recall anything
 11:51:57 7 else that was discussed at that time?
 11:52:00 8 A. No.
 11:52:00 9 Q. Do you recall any other interactions that
 11:52:05 10 you had with Mark Holodniy?
 11:52:09 11 MR. STONE: And so beyond the introduction?
 11:52:13 12 MS. WILKINSON: Correct.
 11:52:18 13 THE WITNESS: Yeah, he came to our lab -- I
 11:52:23 14 remember I kind of interacted with him to discuss PCR.
 11:52:34 15 Since we have so many collaborator at that time, so I
 11:52:39 16 don't remember specifically what kind of, you know,
 11:52:42 17 discussion I had with him.
 11:52:42 18 BY MS. WILKINSON:
 11:52:46 19 Q. So other than what we've discussed about
 11:52:49 20 your first meeting -- introduction to Mark
 11:52:55 21 Holodniy, you have no recollection of any specific
 11:53:00 22 interaction you had with Mark?
 11:53:01 23 MR. STONE: Objection. Misstates her
 11:53:03 24 testimony. Vague and ambiguous.
 11:53:07 25 THE WITNESS: In order to do the cloning, and

11:50:07 1 introduced you to Mark Holodniy; is that right?
 11:50:11 2 A. Yes.
 11:50:11 3 Q. What did he tell you about Mark Holodniy
 11:50:14 4 at the time of that introduction?
 11:50:21 5 A. I don't recall. The conversation is too long
 11:50:25 6 ago.
 11:50:25 7 Q. Generally?
 11:50:30 8 A. Since, you know, where in our lab we're
 11:50:35 9 expertise in doing the quantitative PCR, and we been
 11:50:41 10 collaborate with other -- collaborate too, so he was
 11:50:44 11 introduced to our lab to help him to clone this HIV
 11:50:51 12 DNA.
 11:50:52 13 Q. So it's your understanding that he came to
 11:50:55 14 your lab to work on an HIV project?
 11:51:00 15 A. Yes.
 11:51:02 16 Q. And you were not Mark Holodniy's
 11:51:04 17 supervisor; is that right?
 11:51:06 18 A. No.
 11:51:06 19 Q. And you didn't direct experiments that he
 11:51:10 20 was doing; is that right?
 11:51:10 21 MR. STONE: Objection. Misstates testimony.
 11:51:17 22 THE WITNESS: What kind of work are you
 11:51:19 23 referring to?
 11:51:20 24 BY MS. WILKINSON:
 11:51:20 25 Q. Any work.

11:53:12 1 we would like to know the sequence of the HIV DNA, so
 11:53:20 2 we discuss some of the, you know, the design of the
 11:53:24 3 primer with him.
 11:53:24 4 BY MS. WILKINSON:
 11:53:28 5 Q. And what can you tell me about those
 11:53:31 6 discussions?
 11:53:31 7 A. I don't recall. It's too long ago.
 11:53:34 8 Q. So other than generally discussing primers
 11:53:41 9 with Mark Holodniy, you can't tell me anything more
 11:53:45 10 specific about -- about those conversations?
 11:53:48 11 A. No.
 11:53:48 12 MR. STONE: Objection. Misstates her
 11:53:50 13 testimony.
 11:53:50 14 BY MS. WILKINSON:
 11:53:53 15 Q. Did I accurately -- did I accurately
 11:53:55 16 characterize your position on this?
 11:53:58 17 MR. STONE: Objection. Misstates her
 11:53:59 18 testimony. Vague and ambiguous.
 11:54:03 19 THE WITNESS: I don't recall, okay, the
 11:54:05 20 specific, you know, discussions, yeah.
 11:54:05 21 BY MS. WILKINSON:
 11:54:07 22 Q. Okay. So we've discussed the fact that
 11:54:17 23 you gave Mr. -- you or Mr. Casipit gave
 11:54:22 24 Mr. Holodniy cRNA standard. Beyond that it was
 11:54:28 25 your testimony that you have no specific

12:59:01 1 Q. Is that correct?
12:59:02 2 A. Yes.
12:59:03 3 Q. And what can you tell me about the
12:59:05 4 abstract that you looked at?
12:59:08 5 A. The abstract was -- described the work which
12:59:16 6 subsequently published in that paper.
12:59:21 7 Q. Was that subsequently published in the
12:59:26 8 JID?
12:59:27 9 A. The JID, yeah.
12:59:28 10 Q. And how did the description of the work
12:59:30 11 and the abstract compare to the JID paper, if you
12:59:34 12 recall?
12:59:34 13 A. I don't recall because I didn't read
12:59:37 14 carefully.
12:59:38 15 Q. Did you read -- did you write any portion
12:59:40 16 of that abstract?
12:59:41 17 A. No, I did not.
12:59:46 18 Q. Back to this document, do you have any
12:59:49 19 recollection of whether this document was in your
12:59:55 20 old files at home?
12:59:58 21 MR. STONE: And just for the record, when we
01:00:01 22 produce documents that were provided to us by
01:00:04 23 Ms. Wang, we designated them WAN and then numbered
01:00:07 24 them, so --
01:00:08 25 MS. WILKINSON: I'm asking for the witness's
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01:00:11 1 testimony --
01:00:11 2 MR. STONE: I understand.
01:00:12 3 MS. WILKINSON: -- Counsel.
01:00:15 4 THE WITNESS: I don't recall. When I search
01:00:18 5 that, I just, you know -- if I saw some paper, you
01:00:21 6 know, I just send it to the attorney, yeah. I didn't
01:00:26 7 pay attention to what documents there.
01:00:26 8 BY MS. WILKINSON:
01:00:30 9 Q. Do you have any recollection of ever
01:00:34 10 reading this document before?
01:00:42 11 A. I don't recall in so many papers, so no.
01:00:48 12 Q. Do you remember discussing this
01:00:50 13 publication with anybody?
01:00:52 14 MR. STONE: And exclude from counsel --
01:00:56 15 exclude discussions with counsel in your response.
01:01:00 16 MS. WILKINSON: So far the witness has
01:01:02 17 testified --
01:01:02 18 THE WITNESS: No, no.
01:01:02 19 BY MS. WILKINSON:
01:01:04 20 Q. Okay. So it's your testimony that you do
01:01:17 21 not recall ever seeing this document?
01:01:23 22 MR. STONE: Objection. Asked and answered.
01:01:32 23 THE WITNESS: I don't recall, okay, because
01:01:33 24 it's been long time ago. I -- I don't recall.
01:01:33 25 BY MS. WILKINSON:
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01:01:41 1 Q. You didn't write any portion of this
01:01:43 2 article; is that right?
01:01:44 3 A. No.
01:01:44 4 Q. And you didn't review any drafts of this
01:01:47 5 article; is that right?
01:01:48 6 A. That's right.
01:01:50 7 Q. And you didn't design any of the clinical
01:01:53 8 protocols associated with this article?
01:01:57 9 A. No.
01:01:57 10 MR. STONE: Objection. Vague and ambiguous.
01:01:58 11 Overbroad. The document speaks for itself.
01:01:58 12 BY MS. WILKINSON:
01:02:00 13 Q. And you did not design any specific
01:02:03 14 protocols for monitoring efficacy of HIV treatment;
01:02:09 15 is that right?
01:02:10 16 MR. STONE: Same objections. Do you want her
01:02:12 17 to spend the time reading this article?
01:02:14 18 MS. WILKINSON: No, I'm asking her if she --
01:02:17 19 Q. Have you ever designed specific protocols
01:02:19 20 for monitoring the efficacy of HIV treatment?
01:02:24 21 MR. STONE: I'll object. The question is
01:02:25 22 vague and ambiguous and overbroad.
01:02:29 23 THE WITNESS: No.
01:02:29 24 BY MS. WILKINSON:
01:02:34 25 Q. Were you involved in selecting any
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01:02:38 1 patients for -- for any studies relating to PCR of
01:02:46 2 HIV patient samples?
01:02:47 3 MR. STONE: Objection. Vague and ambiguous,
01:02:49 4 overbroad.
01:02:50 5 THE WITNESS: No.
01:02:50 6 BY MS. WILKINSON:
01:02:53 7 Q. You don't have any clinical experience
01:02:56 8 with patients; is that right?
01:02:57 9 MR. STONE: Objection. Vague and ambiguous,
01:02:59 10 overbroad.
01:03:01 11 THE WITNESS: You mean back then?
01:03:04 12 BY MS. WILKINSON:
01:03:05 13 Q. At any time.
01:03:07 14 A. I do have, you know, experience right now.
01:03:09 15 Q. With HIV patients?
01:03:11 16 A. Not HIV patients.
01:03:13 17 Q. Do you have any clinical experience with
01:03:15 18 HIV patients?
01:03:17 19 MR. STONE: Same objection.
01:03:18 20 THE WITNESS: No.
01:03:18 21 BY MS. WILKINSON:
01:03:21 22 Q. And you've never treated any HIV patients
01:03:27 23 whose samples were collected for PCR studies; is
01:03:31 24 that right?
01:03:31 25 MR. STONE: Objection. Vague, ambiguous,
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01:03:33 1 overbroad.
 01:03:35 2 THE WITNESS: No.
 01:03:35 3 BY MS. WILKINSON:
 01:03:36 4 Q. I'm sorry, is it --
 01:03:37 5 A. No.
 01:03:37 6 Q. You've never --
 01:03:39 7 A. No.
 01:03:39 8 Q. You've never treated HIV patients,
 01:03:42 9 correct?
 01:03:44 10 A. Correct.
 01:03:44 11 Q. And you've never collected samples from
 01:03:47 12 HIV patients?
 01:03:47 13 MR. STONE: Objection.
 01:03:48 14 BY MS. WILKINSON:
 01:03:48 15 Q. Is that correct?
 01:03:49 16 MR. STONE: Vague and ambiguous. Overbroad.
 01:03:50 17 THE WITNESS: Yes.
 01:03:50 18 BY MS. WILKINSON:
 01:03:55 19 Q. And you have never done quantitative PCR
 01:03:59 20 on any samples from HIV patients; is that right?
 01:04:04 21 MR. STONE: Objection. Vague and ambiguous,
 01:04:06 22 overbroad.
 01:04:07 23 THE WITNESS: Yes.
 01:04:07 24 BY MS. WILKINSON:
 01:04:10 25 Q. If you could just take a quick look

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01:05:45 1 MR. STONE: I'll object. The question was
 01:05:47 2 vague and ambiguous and overbroad.
 01:05:47 3 BY MS. WILKINSON:
 01:05:53 4 Q. Do you know whether anyone else at Cetus
 01:05:59 5 was in any way involved with this publication?
 01:06:02 6 MR. STONE: Objection. Vague and ambiguous,
 01:06:04 7 overbroad.
 01:06:07 8 THE WITNESS: No, I don't know.
 01:06:07 9 BY MS. WILKINSON:
 01:06:10 10 Q. Do you know of anybody at Cetus that had
 01:06:12 11 any experience treating patients with HIV?
 01:06:17 12 A. No, I don't know.
 01:06:20 13 Q. Do you know of anyone at Cetus who had
 01:06:25 14 experience collecting samples from patients that
 01:06:29 15 are being treated for HIV?
 01:06:31 16 A. No, I don't know.
 01:06:33 17 Q. Do you know of anybody at Cetus
 01:06:40 18 Corporation who had done quantitative PCR of HIV
 01:06:46 19 patients at the time that you began working with
 01:06:49 20 Mark Holodniy?
 01:06:54 21 A. No, I don't know.
 01:06:57 22 Q. Have you ever discussed with anyone
 01:07:01 23 whether you should have been included as an author
 01:07:04 24 on this paper?
 01:07:08 25 A. This paper?

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01:04:14 1 through this publication and tell me whether you
 01:04:21 2 made any of the figures that appear in this
 01:04:24 3 document.
 01:04:25 4 MR. STONE: So you want her only to look at
 01:04:27 5 the figures?
 01:04:28 6 MS. WILKINSON: Yes.
 01:04:44 7 THE WITNESS: No.
 01:04:44 8 BY MS. WILKINSON:
 01:04:45 9 Q. And if I could refer your attention to
 01:04:48 10 Table 1 of Exhibit 582. You didn't analyze any of
 01:04:59 11 the data that's reported in that table; is that
 01:05:07 12 correct?
 01:05:07 13 A. Yes.
 01:05:07 14 Q. You didn't do any analysis for any of the
 01:05:11 15 data that's reported in this article; is that
 01:05:15 16 correct?
 01:05:15 17 MR. STONE: Objection. Vague and ambiguous.
 01:05:16 18 Overbroad.
 01:05:17 19 THE WITNESS: Yes.
 01:05:17 20 BY MS. WILKINSON:
 01:05:21 21 Q. Have you ever performed any statistical
 01:05:24 22 analyses on PCR data?
 01:05:32 23 A. You mean that time or up to now?
 01:05:37 24 Q. Through 1992.
 01:05:41 25 A. No.

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01:07:10 1 Q. Yes.
 01:07:11 2 MR. STONE: And again, I would leave out
 01:07:12 3 discussions with counsel in responding to that
 01:07:14 4 question.
 01:07:14 5 THE WITNESS: Okay. I'll follow my --
 01:07:17 6 MS. WILKINSON: Can you please repeat my
 01:07:19 7 question.
 01:07:32 8 (Record read as follows:
 01:07:32 9 "QUESTION: Have you ever discussed
 01:07:32 10 with anyone whether you should have been
 01:07:33 11 included as an author on this paper?")
 01:07:33 12 MR. STONE: And all I'm saying is I'm
 01:07:35 13 cautioning you to the extent you discussed that with
 01:07:37 14 counsel, don't provide that in your response to the
 01:07:41 15 question.
 01:07:42 16 THE WITNESS: Oh, okay. No.
 01:07:43 17 BY MS. WILKINSON:
 01:07:43 18 Q. Before you became involved in this
 01:07:44 19 lawsuit, you never discussed with anyone whether
 01:07:46 20 you should be included as an author on this
 01:07:49 21 article; is that right?
 01:07:50 22 A. Yes.
 01:08:16 23 MS. WILKINSON: I'm going to give the witness
 01:08:18 24 Exhibit 15, previously marked. It's a United States
 01:08:23 25 patent No. 5,968,730.

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01:08:23 1 (Deposition Exhibit 15 previously marked
01:08:23 2 was presented to the witness.)
01:08:23 3 BY MS. WILKINSON:
01:08:41 4 Q. Ms. Wang, have you ever seen this document
01:08:43 5 before? Have you ever seen this document before?
01:09:11 6 MR. STONE: And you can answer it yes or no.
01:09:36 7 THE WITNESS: Yes.
01:09:36 8 BY MS. WILKINSON:
01:09:37 9 Q. When did you see this document?
01:09:41 10 A. Provided by my counsel.
01:09:43 11 Q. Prior to your counsel giving you this
01:09:49 12 document, had you ever seen it before?
01:09:51 13 A. No.
01:09:51 14 Q. When did counsel provide you with this
01:09:55 15 document?
01:09:56 16 MR. STONE: If you recall.
01:09:58 17 THE WITNESS: I don't recall.
01:09:58 18 BY MS. WILKINSON:
01:10:02 19 Q. Have you read it?
01:10:08 20 A. I read just -- you know, glanced through.
01:10:14 21 Q. When was the last time you glanced through
01:10:16 22 it?
01:10:17 23 A. The time my counsel provide me the document.
01:10:20 24 Q. Was that yesterday?
01:10:22 25 A. No.

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01:11:09 1 MS. WILKINSON: I've asked her what her
01:11:10 2 recollection is about this patent. If she has no
01:11:13 3 recollection other than as a potential expert witness;
01:11:16 4 is that what you're saying? As a fact witness, she's
01:11:20 5 not entitled to have any recollection about a document
01:11:22 6 that she has reviewed?
01:11:23 7 MR. STONE: Counsel, is she named as an
01:11:25 8 inventor on this patent? You can ask her if she has a
01:11:32 9 recollection.
01:11:32 10 BY MS. WILKINSON:
01:11:33 11 Q. What was your impression when you first
01:11:35 12 reviewed this document?
01:11:36 13 MR. STONE: Objection. Lacks foundation.
01:11:38 14 Calls for speculation.
01:11:45 15 THE WITNESS: I just realized there is a
01:11:48 16 patent and they're talking about using the PCR to
01:11:51 17 monitor the HIV particles.
01:11:54 18 MR. STONE: And also object to this line of
01:11:56 19 questioning as inappropriate and calls for expert
01:11:58 20 testimony.
01:11:58 21 BY MS. WILKINSON:
01:11:59 22 Q. Did you see in this patent anything that
01:12:03 23 described work that you had done at Cetus
01:12:09 24 Corporation?
01:12:09 25 A. As I mentioned --

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01:10:23 1 Q. Was it a couple of years ago?
01:10:31 2 A. I don't recall.
01:10:33 3 Q. Do you recall if it was in the past six
01:10:41 4 months?
01:10:41 5 A. Could be.
01:10:42 6 Q. What do you recall about this patent?
01:10:44 7 MR. STONE: She's not going to provide expert
01:10:46 8 testimony. If what you're seeking is expert
01:10:48 9 testimony --
01:10:48 10 MS. WILKINSON: I'm asking her --
01:10:49 11 MR. STONE: No, no, no. If what you're
01:10:51 12 seeking is expert testimony, I will instruct her not
01:10:54 13 to answer. That's not appropriate --
01:10:54 14 MS. WILKINSON: I'm asking her --
01:10:55 15 MR. STONE: -- for your investigation today.
01:10:56 16 And you know that, Counsel. This is a fact witness.
01:10:56 17 If you want to ask questions about facts, you can do
01:11:00 18 that.
01:11:00 19 MS. WILKINSON: Yes.
01:11:00 20 MR. STONE: She's not providing --
01:11:01 21 MS. WILKINSON: I'm asking her about the
01:11:01 22 facts from this article.
01:11:02 23 MR. STONE: No, you're asking about expert
01:11:05 24 witness testimony. That's utterly inappropriate.
01:11:08 25 Utterly.

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01:12:10 1 MR. STONE: Same objections.
01:12:11 2 THE WITNESS: As I mentioned before, I didn't
01:12:13 3 read this patent through carefully, so --
01:12:18 4 BY MS. WILKINSON:
01:12:18 5 Q. Right. To the extent that you reviewed
01:12:22 6 it, was there anything that struck you as
01:12:27 7 discussing work that you had done while you were at
01:12:30 8 Cetus Corporation?
01:12:30 9 MR. STONE: So you're asking about her
01:12:32 10 recollection?
01:12:32 11 MS. WILKINSON: Yes.
01:12:33 12 MR. STONE: Okay. Lacks foundation. Calls
01:12:35 13 for speculation.
01:12:38 14 THE WITNESS: As I said, you know, again,
01:12:40 15 okay, I don't recall and -- because I didn't read it
01:12:43 16 carefully.
01:12:43 17 BY MS. WILKINSON:
01:12:46 18 Q. So sitting here today, you don't recall
01:12:50 19 anything in this patent that was related to the
01:13:00 20 work that you did at Cetus Corporation?
01:13:03 21 MR. STONE: Objection. Lacks foundation.
01:13:05 22 Calls for speculation. Object to the extent it calls
01:13:07 23 for expert testimony.
01:13:08 24 THE WITNESS: I don't recall.
01:13:10 25 MS. WILKINSON: Okay.

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24 (Pages 93 to 96)

01:33:58 1 could refer to the line number in the left-most
01:34:02 2 column so that I can be sure I'm following along
01:34:05 3 with you.
01:34:13 4 A. 1351, SK145. And those are the -- okay. I
01:34:41 5 don't quite see this. It's not quite clear here.
01:34:44 6 1401 --
01:34:45 7 Q. Mm-hmm.
01:34:46 8 A. -- there was SK something written there.
01:34:48 9 Q. And 1451, above 1451 or is that below --
01:34:53 10 A. 1401.
01:34:54 11 Q. Okay. I see that.
01:34:55 12 A. Yeah. And then 1501 is a Rsa. And then also
01:35:02 13 there's, you know, T to A mutation.
01:35:05 14 Q. Mm-hmm.
01:35:08 15 A. And then line 1601, SK39.
01:35:15 16 Q. And when did you select these sequences?
01:35:18 17 A. When did I select these sequences?
01:35:21 18 Q. Mm-hmm. You testified that you selected
01:35:24 19 this sequence; is that right?
01:35:26 20 A. Yes.
01:35:26 21 Q. When?
01:35:27 22 A. When we start to do the cloning work.
01:35:33 23 Q. The cloning work --
01:35:36 24 A. To -- to -- to amplify this portion to put
01:35:40 25 into the vector.

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01:35:41 1 Q. Before you began work with Mr. Casipit on
01:35:46 2 the cRNA standard, you had not worked with these
01:35:50 3 HIV sequences; is that correct?
01:35:53 4 A. Could you say that again?
01:35:55 5 Q. Before you began work on this cRNA
01:36:00 6 standard and the plasmid, you had not worked
01:36:04 7 with --
01:36:04 8 A. Worked with --
01:36:05 9 Q. -- these sequences?
01:36:07 10 A. That's right.
01:36:07 11 Q. So how did you know which sequences to
01:36:10 12 select?
01:36:11 13 MR. STONE: Objection. Vague and ambiguous.
01:36:13 14 Overbroad.
01:36:15 15 THE WITNESS: This is the HIV sequence.
01:36:15 16 BY MS. WILKINSON:
01:36:29 17 Q. Mm-hmm.
01:36:32 18 A. So -- so if you want -- you know, I -- I
01:36:37 19 mean, generally the standard curve for HIV, you have
01:36:41 20 to use HIV sequence.
01:36:43 21 Q. Right. So somebody -- another scientist
01:36:49 22 like yourself who had never worked with HIV before
01:36:55 23 would have the same possible set of sequences to
01:37:02 24 select as primers; is that right?
01:37:04 25 MR. STONE: Objection. Vague. Ambiguous.

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01:37:05 1 Overbroad. Incomplete hypothetical. Lacks
01:37:08 2 foundation. Calls for speculation.
01:37:12 3 THE WITNESS: I don't quite understand your
01:37:13 4 question.
01:37:13 5 BY MS. WILKINSON:
01:37:15 6 Q. I'm trying to understand how you selected
01:37:22 7 the portion of the sequence to focus on.
01:37:27 8 A. Oh. I don't recall. I don't recall.
01:37:38 9 Q. Do you recall whether you looked at
01:37:41 10 publications that pointed you to sequences to look
01:37:47 11 at for HIV?
01:37:52 12 A. I was told by my supervisor that the project,
01:37:58 13 you know, it's for HIV, yeah. So I don't recall
01:38:04 14 because my supervisor gave me the sequence. I don't
01:38:07 15 recall that, yeah.
01:38:07 16 Q. Is it your testimony that the sequence
01:38:09 17 came from David Mark?
01:38:10 18 A. I don't recall.
01:38:11 19 MR. STONE: Objection. Asked and answered.
01:38:11 20 BY MS. WILKINSON:
01:38:19 21 Q. Is there anybody else you could have
01:38:21 22 talked with that pointed you to those sequences?
01:38:25 23 MR. STONE: Objection. Overbroad. Calls for
01:38:27 24 speculation.
01:38:29 25 THE WITNESS: I don't recall.

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01:38:29 1 BY MS. WILKINSON:
01:38:33 2 Q. You mentioned mutation --
01:38:36 3 A. Yes.
01:38:37 4 Q. -- in this sequence. Was this -- is there
01:38:42 5 any significance to that mutation?
01:38:43 6 MR. STONE: Objection. Vague and ambiguous.
01:38:45 7 THE WITNESS: Yes.
01:38:45 8 BY MS. WILKINSON:
01:38:46 9 Q. And what was that?
01:38:48 10 A. So creating this mutation, we can generate
01:38:54 11 Rsa site. So once the product produced, we can use
01:38:59 12 the Rsa site to cut the fragment to smaller -- to two
01:39:04 13 smaller pieces, and you can separate on the gel.
01:39:10 14 Q. And why would you want to do that?
01:39:11 15 A. So this way the standard -- the product
01:39:16 16 generated from the cRNA was different from the product
01:39:19 17 generated from the HIV.
01:39:21 18 Q. And that would be useful if you amplified
01:39:28 19 your sample and the standard in the same tube; is
01:39:36 20 that right?
01:39:36 21 A. Yes.
01:39:36 22 MR. STONE: Objection. Vague and ambiguous,
01:39:37 23 overbroad.
01:39:37 24 BY MS. WILKINSON:
01:39:38 25 Q. Did you understand my question?

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01:39:39 1 A. Yes.
01:39:39 2 Q. Okay?
01:39:40 3 A. But I mention to you before, the quantitation
01:39:44 4 has two approaches --
01:39:45 5 Q. Mm-hmm.
01:39:46 6 A. -- either internal standard or external
01:39:50 7 standard. So --
01:39:50 8 Q. And this aspect of the sequence was useful
01:39:56 9 to using the standard as an internal control --
01:40:02 10 MR. STONE: Objection. Misstates --
01:40:02 11 BY MS. WILKINSON:
01:40:03 12 Q. Is that right?
01:40:04 13 MR. STONE: Objection. Misstates her
01:40:05 14 testimony.
01:40:05 15 THE WITNESS: Could be used for both.
01:40:05 16 BY MS. WILKINSON:
01:40:10 17 Q. How is the mutation aspect used for both?
01:40:16 18 A. You don't -- okay. You have this -- you have
01:40:19 19 a choice. If you want it internally, you can do it.
01:40:23 20 If you want to do it externally, you can also use
01:40:25 21 this. You don't have to, you know, cut with Rsa
01:40:29 22 website.
01:40:29 23 Q. Okay. So the mutation site is not a
01:40:36 24 feature of the standard that you have to use to do
01:40:42 25 quantitative PCR; is that your testimony?

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01:40:46 1 A. When we design experiment, we usually try to
01:40:51 2 design -- try to cover all bases, so that's why, you
01:40:55 3 know, we -- we put this here. You know, in the future
01:40:59 4 you can have a choice.
01:41:00 5 Q. But you could do quantitative PCR without
01:41:05 6 using this mutation; is that right?
01:41:09 7 A. Yes.
01:41:10 8 Q. And you could do -- you could design a
01:41:16 9 standard that does not have this mutation, right?
01:41:20 10 MR. STONE: Objection. Vague and ambiguous.
01:41:21 11 Overbroad.
01:41:21 12 THE WITNESS: Yes.
01:41:23 13 BY MS. WILKINSON:
01:41:23 14 Q. You could have designed the sequence to be
01:41:28 15 identical to the gag gene RNA; is that right?
01:41:32 16 MR. STONE: Same objections.
01:41:33 17 THE WITNESS: Yes.
01:41:33 18 BY MS. WILKINSON:
01:41:35 19 Q. And that sequence could have been inserted
01:41:37 20 into a plasmid for use as a standard?
01:41:40 21 MR. STONE: Same objections. I'll object to
01:41:42 22 this whole line of testimony as seeking improper
01:41:44 23 expert testimony.
01:41:49 24 THE WITNESS: As I said before, okay, so this
01:41:51 25 just extra effort, try to cover all the bases.

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01:41:51 1 BY MS. WILKINSON:
01:41:58 2 Q. Right. But you didn't have to go through
01:42:01 3 that extra effort. You could have done the cloning
01:42:04 4 with the HIV gag gene sequence?
01:42:08 5 MR. STONE: Objection. Vague and ambiguous.
01:42:09 6 Misstates testimony.
01:42:12 7 THE WITNESS: Yes.
01:42:12 8 BY MS. WILKINSON:
01:42:15 9 Q. And that sequence could have been
01:42:16 10 expressed in the commercially available vector; is
01:42:24 11 that right?
01:42:24 12 A. Yes.
01:42:24 13 MR. STONE: Objection. Vague and ambiguous.
01:42:25 14 Overbroad. Calls for speculation.
01:42:28 15 MS. WILKINSON: Can you please --
01:42:29 16 THE WITNESS: Yes.
01:42:30 17 MS. WILKINSON: -- repeat my question?
01:42:39 18 (Record read as follows:
01:42:39 19 "QUESTION: And that sequence could
01:42:39 20 have been expressed in the commercially
01:42:40 21 available vector; is that right?")
01:42:40 22 BY MS. WILKINSON:
01:42:40 23 Q. So the --
01:42:41 24 MR. STONE: Same objections.
01:42:41 25 BY MS. WILKINSON:

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01:42:42 1 Q. So the gag gene sequence without a point
01:42:45 2 mutation could have been inserted into a
01:42:48 3 commercially available vector at the time that you
01:42:51 4 did the cRNA work and expressed cRNA to be used as
01:42:57 5 a standard; is that correct?
01:42:59 6 MR. STONE: Objection. Vague and ambiguous.
01:43:00 7 Overbroad. Incomplete hypothetical. Calls for expert
01:43:03 8 testimony. Misstates previous testimony.
01:43:11 9 THE WITNESS: To me, to design a good
01:43:17 10 standard, you do need to have that knowledge to design
01:43:20 11 that.
01:43:20 12 BY MS. WILKINSON:
01:43:21 13 Q. That wasn't my question. My question was
01:43:25 14 you said -- you testified that it was extra effort
01:43:29 15 to put in this mutation. And my question is:
01:43:32 16 Could you have expressed the exact sequence of the
01:43:37 17 gag DNA gene in a commercially available plasmid,
01:43:46 18 transcribed that into RNA and used that as an
01:43:50 19 internal standard?
01:43:51 20 MR. STONE: Objection. Vague and ambiguous.
01:43:53 21 Overbroad. Incomplete hypothetical. Calls for
01:43:56 22 speculation.
01:44:00 23 THE WITNESS: It depends on how do you want
01:44:01 24 to detect that product.
01:44:01 25 BY MS. WILKINSON:

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02:06:30 1 Q. And it was your testimony that you don't
02:06:32 2 know David Schwartz?
02:06:34 3 A. Right.
02:06:34 4 Q. And you didn't give David Schwartz
02:06:36 5 anything?
02:06:36 6 A. That's right.
02:06:38 7 Q. Did you review your notebooks in
02:06:40 8 preparation for today's deposition?
02:06:43 9 A. My notebooks?
02:06:44 10 Q. Yes.
02:06:45 11 A. No.
02:06:45 12 Q. Your Cetus notebooks.
02:06:48 13 Sitting here today, do you know of any
02:06:50 14 references to Mark Holodniy in any of your Cetus
02:06:53 15 laboratory notebooks?
02:06:55 16 A. No.
02:06:56 17 Q. Sitting here today, do you know of any
02:06:58 18 references to quantitative PCR of HIV in any of
02:07:03 19 your Cetus laboratory notebooks?
02:07:05 20 A. No.
02:07:23 21 MS. WILKINSON: That's all I have.
02:07:24 22 MR. STONE: No further questions.
02:07:26 23 MS. WILKINSON: Thank you very much for your
02:07:27 24 time this afternoon. Appreciate it.
02:07:28 25 THE WITNESS: You're welcome.

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8 I, ALICE WANG, Ph.D., do hereby declare
9 under penalty of perjury that I have read the
10 foregoing transcript of my deposition; that I have
11 made such corrections as noted herein, in ink,
12 initialed by me, or attached hereto; that my testimony
13 as contained herein, as corrected, is true and
14 correct.
15 EXECUTED this ____ day of
16 _____, 20____, at
17 _____,
18 (City) (State)
19
20
21 ALICE WANG, Ph.D.
22
23
24
25

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02:07:30 1 MR. STONE: Let's go off the record.
02:07:31 2 VIDEO OPERATOR: Okay. Stand by. This
02:07:33 3 concludes today's deposition of Dr. Alice Wang. The
02:07:37 4 number of media used was two. We are off the record
02:07:40 5 at 2:07 p.m.
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1
2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify:
5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth; that
7 any witnesses in the foregoing proceedings, prior to
8 testifying, were placed under oath; that a verbatim
9 record of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; further, that the foregoing is an accurate
12 transcription thereof.
13 I further certify that I am neither
14 financially interested in the action nor a relative or
15 employee of any attorney of any of the parties.
16 IN WITNESS WHEREOF, I have this date
17 subscribed my name.
18
19 Dated: _____
20
21
22
23
24 SUZANNE F. BOSCHETTI
25 CSR No. 5111

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