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

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 THE BOARD OF TRUSTEES OF THE LELAND
 STANFORD JUNIOR UNIVERSITY,
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 Plaintiff,
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 vs.
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 ROCHE MOLECULAR SYSTEMS, INC.; ROCHE
 20 DIAGNOSTICS CORPORATION; ROCHE
 DIAGNOSTICS OPERATIONS, INC.,
 21
 Defendants.
 22 ROCHE MOLECULAR SYSTEMS, INC. ROCHE
 DIAGNOSTICS CORPORATION; ROCHE
 23 DIAGNOSTICS OPERATIONS, INC.,
 24
 Counterclaimants,
 25
 vs.
 26 THE BOARD OF TRUSTEES OF THE LELAND
 STANFORD JUNIOR UNIVERSITY; THOMAS
 27 MERIGAN; AND MARK HOLODNIY,
 28
 Counterclaim Defendants.

CASE NO. C-05-04158 MHP

DECLARATION OF BRIAN
 CANNON IN SUPPORT OF
 ROCHE'S MOTION TO STRIKE

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I, Brian Cannon, declare:

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

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of the deposition of Thomas C. Merigan. [FILED UNDER SEAL]

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of Mary Albertson. [FILED UNDER SEAL]

4. Attached hereto as Exhibit 3 is a true and correct copy Stanford's Responses and Supplemental Responses to Roche's Interrogatory Number 2. [FILED UNDER SEAL]

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

Executed this 28th day of November, 2006, at Redwood Shores, California.



Brian Cannon