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6 Attorneys for Plaintiff and Counterclaim Defendant,  
THE BOARD OF TRUSTEES OF THE LELAND STANFORD  
7 JUNIOR UNIVERSITY and Counterclaim Defendant THOMAS  
MERIGAN  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
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12  
13 THE BOARD OF TRUSTEES OF THE  
14 LELAND STANFORD JUNIOR  
UNIVERSITY,  
15  
Plaintiff,  
16  
v.  
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18 ROCHE MOLECULAR SYSTEMS, ET AL.,  
19  
Defendants.

Case No. C 05 04158 MHP  
**DECLARATION OF BENJAMIN G.  
DAMSTEDT IN SUPPORT OF STANFORD  
UNIVERSITY, DR. MERIGAN AND DR.  
HOLODNIY'S OPPOSITION TO  
DEFENDANTS' MOTION TO STRIKE**

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21 ROCHE MOLECULAR SYSTEMS, ET AL.,  
22  
Counterclaimants,  
23  
v.  
24  
25 THE BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR  
UNIVERSITY; THOMAS MERIGAN AND  
MARK HOLODNIY  
26  
Counterclaim Defendants.  
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I, Benjamin G. Damstedt, declare as follows:

1. I am an associate with the law firm of Cooley Godward Kronish LLP, counsel of record for The Board of Trustees of the Leland Stanford Junior University and Thomas Merigan in the above-captioned matter. I have knowledge of the following, and if called as a witness, I could and would testify competently to this declaration's contents.

2. Attached hereto as Exhibit A are true and correct copies of excerpts from the depositions of Thomas C. Merigan, M.D., conducted on September 11 and 13, 2006.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition of Mary Albertson, conducted on August 25, 2006.

4. Attached hereto as Exhibit C is a true and correct copy of the Notice of Deposition of the Board of Trustees of the Leland Stanford Junior University, served on behalf of counterclaimants Roche Molecular Systems et al., dated July 5, 2006

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the deposition of Mark Holodniy, conducted on July 19, 2006.

6. Attached hereto as Exhibit 357 is a true and correct copy of a Letter Agreement from Jeffrey S. Price to Teresa Y. Basham and Thomas C. Merigan, dated March 12, 1995. This document was discussed at 223:12-225:8 of the Merigan deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed at Palo Alto, California on December 1, 2006.

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/s/  
Benjamin G. Damstedt

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