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17 Attorneys for Defendants and Counterclaimants Roche
 18 Molecular Systems, Inc.; Roche Diagnostics
 19 Corporation; and Roche Diagnostics Operations, Inc.

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 THE BOARD OF THE TRUSTEES OF THE
 23 LELAND STANFORD JUNIOR UNIVERSITY,

24 Plaintiff,

25 vs.

26 ROCHE MOLECULAR SYSTEMS, INC.; ROCHE
 27 DIAGNOSTICS CORPORATION; ROCHE
 28 DIAGNOSTICS OPERATION, INC.,

29 Defendant.

30 ROCHE MOLECULAR SYSTEMS, INC.; ROCHE
 31 DIAGNOSTICS CORPORATION; ROCHE
 32 DIAGNOSTICS OPERATION, INC.,

33 Counterclaimants,

34 vs.

35 THE BOARD OF THE TRUSTEES OF THE
 36 LELAND STANFORD JUNIOR UNIVERSITY;
 37 THOMAS MERIGAN AND MARK HOLODNIY,

38 Counterclaim Defendants.

CASE NO. C-05-04158-MHP

DECLARATION OF BRIAN C.
 CANNON IN SUPPORT OF ROCHE'S
 MOTION FOR CERTIFICATION
 PURSUANT TO 28 U.S.C. § 1292(b).

1 I, Brian C. Cannon, declare:

2 1. I am an attorney at law licensed to practice in the State of California and a partner
3 at Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for defendants Roche Molecular
4 Systems, Inc., Roche Diagnostics Corporation, and Roche Diagnostics Operations, Inc. I have
5 personal knowledge of the facts stated herein. If called upon to testify I could, and would,
6 competently testify as to the following.

7 2. On March 6, 2007, I consulted with counsel for Stanford and asked whether
8 Stanford would agree with, or not oppose, Roche's request for interlocutory appeal pursuant to 28
9 U.S.C. § 1292(b). On March 9, 2007, counsel for Stanford communicated to me that Stanford
10 would not so stipulate and would oppose such a request.

11 3. The document production in this action so far, including the documents produced
12 by the parties and third parties, collectively totals over 110,000 pages.

13 4. Plaintiff and Defendants have collectively deposed thirty witnesses in the first
14 phase of this case.

15 5. Plaintiff and Defendants have collectively issued over 25 subpoenas to third parties
16 in the first phase of this case, including to Chiron Corporation, Pennie & Edmonds, Howrey LLP,
17 Clayton Casipit, Alice Wang, Michael Konrad, Sohini Sengupta, Shirley Kowk, John Sninsky,
18 Jeffrey Price, Thomas MacMahon, Ernest Kawasaki, Thomas White, Eric Groves, William
19 Gerber, Lily Tan, Michael Ostrach, Dennis Israelski, Lisa Kole, Sharon Degroat, Susanne DeWitt,
20 Barry Elledge, Debra Glaister, Stacey Sias, and David Schwartz.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on March 12, 2007, in Redwood Shores, California.

23 

24 _____
25 Brian C. Cannon