

EXHIBIT E

Brian Cannon

From: Rodriguez, Ricardo [rr@cooley.com]
Sent: Friday, August 10, 2007 4:06 PM
To: Brian Cannon; Rhyu, Michelle
Cc: ampruetz@pruetzlaw.com
Subject: RE: Deposition of Kramer on August 15

Brian, we are not available Monday afternoon, as both Michelle and I have a client meeting. We can agree to submit our opposition by Monday at 10 am, and would be available for a hearing so long as it concludes by 12:00 pm. We would also be available after 5pm. Also, at least one of us can be available Tuesday until 3pm or anytime Wednesday. Please note that with respect to your motion to shorten time, your motion should make clear that we do not agree that this is an emergency, or anything that justifies an inconvenience to the Court with respect to a hearing. In other words, while we are providing you and the Court with our availability, we do not agree that this is a proper issue to bring to the Court on an emergency basis. Thanks,

Ricardo

From: Brian Cannon [mailto:briancannon@quinnemanuel.com]
Sent: Friday, August 10, 2007 3:41 PM
To: Rodriguez, Ricardo; Rhyu, Michelle
Cc: ampruetz@pruetzlaw.com
Subject: RE: Deposition of Kramer on August 15

Ricardo: Roche will have to proceed with its motion. The parties both disclosed potential expert testimony in a manner to allow meaningful deposition, and we agreed to an orderly process to take depositions. The process allows Roche the opportunity to take its depositions before its responsive papers are due. Postponing the deposition deprives Roche of the opportunity to address Kramer's proposed testimony in any briefing.

With respect to a motion shortening time under Local Rule 6-2, will you agree to a Monday afternoon hearing (August 13), with Stanford's opposition due midday Monday?

As you requested we will immediately send you via email any submissions we file (in addition to the ECF) and expect Stanford to do the same when its opposition is filed. Thanks.

-- Brian

From: Rodriguez, Ricardo [mailto:rr@cooley.com]
Sent: Friday, August 10, 2007 2:37 PM
To: Brian Cannon; Rhyu, Michelle
Cc: ampruetz@pruetzlaw.com
Subject: RE: Deposition of Kramer on August 15

Brian, I don't agree with your characterizations below. In addition, we did raise the issue of expert depositions at the hearing. If you recall, the Court tied the depositions to a submission of a declaration. In any event, will you agree to keep to your expert disclosures to-date? If so, then we agree we will not use Dr. Kramer in response to your brief. If you won't commit that you won't submit new testimony, then it is not fair to deprive us of a chance to respond.

If you decide to proceed with your request for emergency belief, please email your submission to me right away, rather than waiting for the electronic distribution from the Court. Thanks,

8/10/2007

Ricardo

From: Brian Cannon [mailto:briancannon@quinnemanuel.com]

Sent: Friday, August 10, 2007 12:24 PM

To: Rodriguez, Ricardo; Rhyu, Michelle

Cc: ampruetz@pruetzlaw.com

Subject: Deposition of Kramer on August 15

Ricardo: in response to your August 8, 2007 letter: we have a court order regarding the schedule for this deposition, and it is prejudicial to Roche for Stanford now to take the position that it wants to delay Kramer's deposition until after reply – when Roche has no opportunity to respond. Stanford should have raised this issue at the July 30 hearing before Judge Patel when the question of expert depositions was addressed. Under the stip and order, Stanford has two choices: make Kramer available for his deposition on Wednesday in Boston as previously scheduled or unequivocally refrain from relying upon Kramer in Stanford's briefing.

We intend to seek emergency relief from the Court by the close of business today regarding this deposition. Please let us know by 4 PM whether you will proceed with the deposition or will withdraw Kramer.

Regards,

Brian Cannon
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