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

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 THE BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR UNIVERSITY,

15 Plaintiff,

16 vs.

17 ROCHE MOLECULAR SYSTEMS, INC.;  
18 ROCHE DIAGNOSTICS CORPORATION;  
ROCHE DIAGNOSTICS OPERATIONS, INC.,

19 Defendants.

20 ROCHE MOLECULAR SYSTEMS, INC.  
21 ROCHE DIAGNOSTICS CORPORATION;  
22 ROCHE DIAGNOSTICS OPERATIONS, INC.,

23 Counterclaimants,

24 vs.

25 THE BOARD OF TRUSTEES OF THE  
LELAND STANFORD JUNIOR UNIVERSITY;  
26 AND THOMAS MERIGAN.

27 Counterclaim Defendants.  
28

CASE NO. C-05-04158 MHP

DECLARATION OF BRIAN C.  
CANNON IN SUPPORT OF ROCHE'S:  
RESPONSIVE CLAIM  
CONSTRUCTION BRIEF

[PATENT LOCAL RULE 4-5(b)]

Judge: Hon. Marilyn H. Patel  
Date: October 3, 2007  
Time:  
Ctrm: 15, 18th Floor

**Declaration of Brian C. Cannon**

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1. I am a member of the Bar of the State of California and a partner with Quinn Emanuel Urquhart Oliver & Hedges, LLP, attorneys for Roche Molecular Systems, Inc, Roche Diagnostics Corporation, and Roche Diagnostics Operations, Inc. ("Roche"). I make this declaration of personal, firsthand knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Attached as Exhibit A are selected pages from the August 19, 2007 deposition of Paul Volberding, M.D.

3. Attached as Exhibit B are selected pages from the transcript of proceedings before the Court dated July 30, 2007.

4. Attached as Exhibit C is the transcript from the scheduled August 15, 2007 deposition of Fred Kramer.

5. Attached as Exhibit D is a letter sent by me to counsel for Stanford dated August 16, 2007.

6. Attached as Exhibit E is Stanford's May 29, 2007 answer to Interrogatory No. 32.

7. Attached as Exhibit F is U.S. Patent No. 5,968,730.

8. Attached as Exhibit G is U.S. Patent No. 6,503,705.

9. Attached as Exhibit H is U.S. Patent No. 7,129,041.

10. Attached as Exhibit I is a published article, Mark Holodniy, "Clinical Application of Reverse Transcription Polymerase Chain Reaction for HIV Infection," in CLINICS IN LABORATORY MEDICINE, Vol. 14: 335-349 (June 1994).

11. Attached as Exhibit J is Tabers Medical Dictionary, 608 (17th ed. 1993).

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

Executed on August 29, 2007, in Redwood Shores, California.

\_\_\_\_\_/s/\_\_\_\_\_  
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Brian C. Cannon