

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE MARILYN HALL PATEL, JUDGE

-----)	
BOARD OF TRUSTEES of the)
LELAND STANFORD JUNIOR)
UNIVERSITY,)
)
Plaintiff,)
)
v.) NO. C 05-4158 (MHP)
)
ROCHE MOLECULAR SYSTEMS,)
INC., et al.,)
)
Defendants.) San Francisco, California
) Monday, July 30, 2007u
-----)) (13 pages)

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:	Cooley, Godward, Kronish, LLP
	5 Palo Alto Square
	3000 El Camino Real
	Palo Alto, California 94306
BY:	MICHELLE S. RHYU
	RICARDO RODRIGUEZ
	BENJAMIN DAMSTEDT
For Defendants:	Preetz Law Group, LLP
	1600 Rosencrans Avenue
	Fourth Floor
	Manhattan Beach, California 90266
BY:	ADRIAN MARY PRUETZ
	Quinn, Emanuel, LLP
	555 Twin Dolphin Drive
	Suite 560
	Redwood Shores, California 94065
BY:	BRIAN C. CANNON

1 with respect to infringement. If there's an inventorship
2 issue, why don't you just bring a motion on inventorship and do
3 the discovery that needs to be done on inventorship and make a
4 motion on it and we'll get to it?

5 MS. PRUETZ: And the Court will construe the claim in
6 the context of that motion? I mean, we certainly don't want it
7 to be suggested later that we didn't propose a claim
8 construction for a claim that needed to be construed.

9 THE COURT: Not if it's going to be in the context --
10 let's put it this way: Not if it's going to be in the context
11 of an inventorship issue. Okay? And if it is not one of the
12 claims asserted as a claim being -- alleged to be infringed,
13 then I don't find it's necessary to have claim construction.
14 If it's necessary to come up with some meaning for what, you
15 know, what was happening in that particular claim on an
16 inventorship issue, then we'll deal with it in the context of
17 the inventorship issue, okay?

18 Already, we're narrowing down the list, and I'm going
19 to narrow it down event more.

20 MS. RHYU: Great.

21 THE COURT: You may not say great after I have
22 finished.

23 MS. RHYU: Back to the value of expert testimony.
24 Roche has been insisting on taking depositions of the experts
25 who may submit declarations in support of the claims

1 construction. There are two experts on either side, on each
2 side, so a total of four experts. And this would take a lot of
3 time and energy and expense to go forward with those
4 depositions. If your Honor does not feel the need --

5 THE COURT: If they're going to submit declarations,
6 you know, you can be able to take depositions of them.

7 MS. RHYU: All right.

8 THE COURT: So you take the depositions.

9 MS. RHYU: All right.

10 THE COURT: And with respect to tutorial, maybe the
11 best thing to do, if you want to have your experts here for a
12 tutorial beforehand, and -- but make it very brief, we'll just
13 do it the day that we have claim construction. And then just
14 move to the claim construction. Okay?

15 MS. RHYU: Can we presume that each side will have an
16 hour and a half, and that each side can spend that hour and a
17 half how they like?

18 MS. PRUETZ: We disagree with that.

19 THE COURT: I will give you each a half hour for the
20 tutorial, and if you can agree upon one person to provide it,
21 so much the better. But if not -- and then I will give you
22 each an hour and a half for claim construction. Okay?

23 MS. PRUETZ: That's fine with us, your Honor.

24 MS. RHYU: Yes.

25 THE COURT: And now, with regard to -- I don't see any