

EXHIBIT D

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August 16, 2007

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Re: Stanford v. Roche Molecular Systems, Inc.
United States District Court, Northern District of California, Case No. 05-4158-MHP

Dear Counsel:

I am in receipt of Michelle's August 15, 2007 letter. I understand that Stanford has elected not to use Dr. Kramer in connection with its reply claim construction brief and that Stanford will not make him available for deposition under the terms of the Court's August 2 Stipulation and Order and August 13 Order. Accordingly, please be advised that if you submit any declaration by Dr. Kramer in connection with Stanford's claim construction briefing, for any purpose whatsoever including your nebulous threat of rebuttal, Roche will move to strike that declaration. In addition, we will seek all costs and fees associated with such motion to strike together with our fees and costs associated with your failure to produce Dr. Kramer for deposition at the time and location previously agreed to by the parties and in conformance with Dr. Kramer's subpoena.

Very truly yours,



Brian Cannon

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