

Exhibit 29

CONFIDENTIAL ATTORNEYS EYES ONLY - RESTRICTED

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

vs. No. C-05-04158 MHP

ROCHE MOLECULAR SYSTEMS, INC.;
 ROCHE DIAGNOSTICS CORPORATION;
 ROCHE DIAGNOSTICS OPERATIONS,
 INC.; ROCHE DIAGNOSTIC SYSTEMS,
 INC.,

Defendant.

AND RELATED COUNTERCLAIM.

CONFIDENTIAL - ATTORNEYS' EYES ONLY - RESTRICTED
 VIDEOTAPED DEPOSITION OF ALICE WANG, Ph.D.
 Redwood Shores, California
 Tuesday, August 8 2006

Reported by:
 SUZANNE F. BOSCHETTI
 CSR No. 5111
 Job No. 3-50828

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1 APPEARANCES:
 2
 3 For Plaintiff and Counterclaim Defendants The Board of
 the Trustees of the Leland Stanford Junior University,
 4 et al.:

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1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF CALIFORNIA

3

4 THE BOARD OF THE TRUSTEES OF
 THE LELAND STANFORD JUNIOR
 5 UNIVERSITY,
 6 Plaintiff,

7 vs. No. C-05-04158 MHP

8 ROCHE MOLECULAR SYSTEMS, INC.;
 ROCHE DIAGNOSTICS CORPORATION;
 9 ROCHE DIAGNOSTICS OPERATIONS,
 INC.; ROCHE DIAGNOSTIC SYSTEMS,
 10 INC.,
 11 Defendant.

12 AND RELATED COUNTERCLAIM.

13
 14 Confidential videotaped deposition of ALICE
 15 WANG, Ph.D., taken on behalf of Plaintiff and
 16 Counterclaim Defendants The Board of the Trustees of
 17 the Leland Stanford Junior University, at 555 Twin
 18 Dolphin Drive, Suite 560, Redwood Shores, California,
 19 beginning at 10:02 a.m. and ending at 2:07 p.m. on
 20 Tuesday, August 8, 2006, before SUZANNE F. BOSCHETTI,
 21 Certified Shorthand Reporter No. 5111.
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 25

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 3 ALICE WANG, Ph.D.
 4
 5 BY MS. WILKINSON 6

6 EXHIBITS
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 8 579 Article: Detection and Quantification of 21
 Human Immunodeficiency Virus RNA in Patient
 9 Serum by Use of the Polymerase Chain
 Reaction, Bates Nos. WAN00001 - WAN00005;
 10 5 pages
 11 580 Invention Disclosure, 2/3/89, Bates Nos. 25
 RMS 0064456 - RMS 0064459; 4 pages
 12
 13 581 Curriculum Vitae for Alice M. Wang, Bates 33
 Nos. WAN00045 - WAN00048; 4 pages
 14 582 Article: Reduction in Plasma Human 82
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 15 after Dideoxynucleoside Therapy as
 determined by the Polymerase Chain Reaction,
 16 Bates Nos. WAN00022 - WAN00026; 5 pages
 17 583 Proviral DNA HIV Sequence, Bates No. 110
 WAN00036; 1 page
 18
 19 584 HIV Sequence document, Bates No. WAN00040; 111
 1 page
 20 585 HIV Sequence from difference isolates, Tues, 124
 July 5, 1988, Bates Nos. WAN00041 -
 21 WAN00042; 2 pages
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 23
 24
 25

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01:33:58 1 could refer to the line number in the left-most
 01:34:02 2 column so that I can be sure I'm following along
 01:34:05 3 with you.
 01:34:13 4 A. 1351, SK145. And those are the -- okay. I
 01:34:41 5 don't quite see this. It's not quite clear here.
 01:34:44 6 1401 --
 01:34:45 7 Q. Mm-hmm.
 01:34:46 8 A. -- there was SK something written there.
 01:34:48 9 Q. And 1451, above 1451 or is that below --
 01:34:53 10 A. 1401.
 01:34:54 11 Q. Okay. I see that.
 01:34:55 12 A. Yeah. And then 1501 is a Rsa. And then also
 01:35:02 13 there's, you know, T to A mutation.
 01:35:05 14 Q. Mm-hmm.
 01:35:08 15 A. And then line 1601, SK39.
 01:35:15 16 Q. And when did you select these sequences?
 01:35:18 17 A. When did I select these sequences?
 01:35:21 18 Q. Mm-hmm. You testified that you selected
 01:35:24 19 this sequence; is that right?
 01:35:26 20 A. Yes.
 01:35:26 21 Q. When?
 01:35:27 22 A. When we start to do the cloning work.
 01:35:33 23 Q. The cloning work --
 01:35:36 24 A. To -- to -- to amplify this portion to put
 01:35:40 25 into the vector.

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01:37:05 1 Overbroad. Incomplete hypothetical. Lacks
 01:37:08 2 foundation. Calls for speculation.
 01:37:12 3 THE WITNESS: I don't quite understand your
 01:37:13 4 question.
 01:37:13 5 BY MS. WILKINSON:
 01:37:15 6 Q. I'm trying to understand how you selected
 01:37:22 7 the portion of the sequence to focus on.
 01:37:27 8 A. Oh. I don't recall. I don't recall.
 01:37:38 9 Q. Do you recall whether you looked at
 01:37:41 10 publications that pointed you to sequences to look
 01:37:47 11 at for HIV?
 01:37:52 12 A. I was told by my supervisor that the project,
 01:37:58 13 you know, it's for HIV, yeah. So I don't recall
 01:38:04 14 because my supervisor gave me the sequence. I don't
 01:38:07 15 recall that, yeah.
 01:38:07 16 Q. Is it your testimony that the sequence
 01:38:09 17 came from David Mark?
 01:38:10 18 A. I don't recall.
 01:38:11 19 MR. STONE: Objection. Asked and answered.
 01:38:11 20 BY MS. WILKINSON:
 01:38:19 21 Q. Is there anybody else you could have
 01:38:21 22 talked with that pointed you to those sequences?
 01:38:25 23 MR. STONE: Objection. Overbroad. Calls for
 01:38:27 24 speculation.
 01:38:29 25 THE WITNESS: I don't recall.

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01:35:41 1 Q. Before you began work with Mr. Casipit on
 01:35:46 2 the cRNA standard, you had not worked with these
 01:35:50 3 HIV sequences; is that correct?
 01:35:53 4 A. Could you say that again?
 01:35:55 5 Q. Before you began work on this cRNA
 01:36:00 6 standard and the plasmid, you had not worked
 01:36:04 7 with --
 01:36:04 8 A. Worked with --
 01:36:05 9 Q. -- these sequences?
 01:36:07 10 A. That's right.
 01:36:07 11 Q. So how did you know which sequences to
 01:36:10 12 select?
 01:36:11 13 MR. STONE: Objection. Vague and ambiguous.
 01:36:13 14 Overbroad.
 01:36:15 15 THE WITNESS: This is the HIV sequence.
 01:36:15 16 BY MS. WILKINSON:
 01:36:29 17 Q. Mm-hmm.
 01:36:32 18 A. So -- so if you want -- you know, I -- I
 01:36:37 19 mean, generally the standard curve for HIV, you have
 01:36:41 20 to use HIV sequence.
 01:36:43 21 Q. Right. So somebody -- another scientist
 01:36:49 22 like yourself who had never worked with HIV before
 01:36:55 23 would have the same possible set of sequences to
 01:37:02 24 select as primers; is that right?
 01:37:04 25 MR. STONE: Objection. Vague. Ambiguous.

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01:38:29 1 BY MS. WILKINSON:
 01:38:33 2 Q. You mentioned mutation --
 01:38:36 3 A. Yes.
 01:38:37 4 Q. -- in this sequence. Was this -- is there
 01:38:42 5 any significance to that mutation?
 01:38:43 6 MR. STONE: Objection. Vague and ambiguous.
 01:38:45 7 THE WITNESS: Yes.
 01:38:45 8 BY MS. WILKINSON:
 01:38:46 9 Q. And what was that?
 01:38:48 10 A. So creating this mutation, we can generate
 01:38:54 11 Rsa site. So once the product produced, we can use
 01:38:59 12 the Rsa site to cut the fragment to smaller -- to two
 01:39:04 13 smaller pieces, and you can separate on the gel.
 01:39:10 14 Q. And why would you want to do that?
 01:39:11 15 A. So this way the standard -- the product
 01:39:16 16 generated from the cRNA was different from the product
 01:39:19 17 generated from the HIV.
 01:39:21 18 Q. And that would be useful if you amplified
 01:39:28 19 your sample and the standard in the same tube; is
 01:39:36 20 that right?
 01:39:36 21 A. Yes.
 01:39:36 22 MR. STONE: Objection. Vague and ambiguous,
 01:39:37 23 overbroad.
 01:39:37 24 BY MS. WILKINSON:
 01:39:38 25 Q. Did you understand my question?

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01:39:39 1 A. Yes.
 01:39:39 2 Q. Okay?
 01:39:40 3 A. But I mention to you before, the quantitation
 01:39:44 4 has two approaches --
 01:39:45 5 Q. Mm-hmm.
 01:39:46 6 A. -- either internal standard or external
 01:39:50 7 standard. So --
 01:39:50 8 Q. And this aspect of the sequence was useful
 01:39:56 9 to using the standard as an internal control --
 01:40:02 10 MR. STONE: Objection. Misstates --
 01:40:02 11 BY MS. WILKINSON:
 01:40:03 12 Q. Is that right?
 01:40:04 13 MR. STONE: Objection. Misstates her
 01:40:05 14 testimony.
 01:40:05 15 THE WITNESS: Could be used for both.
 01:40:05 16 BY MS. WILKINSON:
 01:40:10 17 Q. How is the mutation aspect used for both?
 01:40:16 18 A. You don't -- okay. You have this -- you have
 01:40:19 19 a choice. If you want it internally, you can do it.
 01:40:23 20 If you want to do it externally, you can also use
 01:40:25 21 this. You don't have to, you know, cut with Rsa
 01:40:29 22 website.
 01:40:29 23 Q. Okay. So the mutation site is not a
 01:40:36 24 feature of the standard that you have to use to do
 01:40:42 25 quantitative PCR; is that your testimony?

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01:41:51 1 BY MS. WILKINSON:
 01:41:58 2 Q. Right. But you didn't have to go through
 01:42:01 3 that extra effort. You could have done the cloning
 01:42:04 4 with the HIV gag gene sequence?
 01:42:08 5 MR. STONE: Objection. Vague and ambiguous.
 01:42:09 6 Misstates testimony.
 01:42:12 7 THE WITNESS: Yes.
 01:42:12 8 BY MS. WILKINSON:
 01:42:15 9 Q. And that sequence could have been
 01:42:16 10 expressed in the commercially available vector; is
 01:42:24 11 that right?
 01:42:24 12 A. Yes.
 01:42:24 13 MR. STONE: Objection. Vague and ambiguous.
 01:42:25 14 Overbroad. Calls for speculation.
 01:42:28 15 MS. WILKINSON: Can you please --
 01:42:29 16 THE WITNESS: Yes.
 01:42:30 17 MS. WILKINSON: -- repeat my question?
 01:42:39 18 (Record read as follows:
 01:42:39 19 "QUESTION: And that sequence could
 01:42:39 20 have been expressed in the commercially
 01:42:40 21 available vector; is that right?")
 01:42:40 22 BY MS. WILKINSON:
 01:42:40 23 Q. So the --
 01:42:41 24 MR. STONE: Same objections.
 01:42:41 25 BY MS. WILKINSON:

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01:40:46 1 A. When we design experiment, we usually try to
 01:40:51 2 design -- try to cover all bases, so that's why, you
 01:40:55 3 know, we -- we put this here. You know, in the future
 01:40:59 4 you can have a choice.
 01:41:00 5 Q. But you could do quantitative PCR without
 01:41:05 6 using this mutation; is that right?
 01:41:09 7 A. Yes.
 01:41:10 8 Q. And you could do -- you could design a
 01:41:16 9 standard that does not have this mutation, right?
 01:41:20 10 MR. STONE: Objection. Vague and ambiguous.
 01:41:21 11 Overbroad.
 01:41:21 12 THE WITNESS: Yes.
 01:41:23 13 BY MS. WILKINSON:
 01:41:23 14 Q. You could have designed the sequence to be
 01:41:28 15 identical to the gag gene RNA; is that right?
 01:41:32 16 MR. STONE: Same objections.
 01:41:33 17 THE WITNESS: Yes.
 01:41:33 18 BY MS. WILKINSON:
 01:41:35 19 Q. And that sequence could have been inserted
 01:41:37 20 into a plasmid for use as a standard?
 01:41:40 21 MR. STONE: Same objections. I'll object to
 01:41:42 22 this whole line of testimony as seeking improper
 01:41:44 23 expert testimony.
 01:41:49 24 THE WITNESS: As I said before, okay, so this
 01:41:51 25 just extra effort, try to cover all the bases.

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01:42:42 1 Q. So the gag gene sequence without a point
 01:42:45 2 mutation could have been inserted into a
 01:42:48 3 commercially available vector at the time that you
 01:42:51 4 did the cRNA work and expressed cRNA to be used as
 01:42:57 5 a standard; is that correct?
 01:42:59 6 MR. STONE: Objection. Vague and ambiguous.
 01:43:00 7 Overbroad. Incomplete hypothetical. Calls for expert
 01:43:03 8 testimony. Misstates previous testimony.
 01:43:11 9 THE WITNESS: To me, to design a good
 01:43:17 10 standard, you do need to have that knowledge to design
 01:43:20 11 that.
 01:43:20 12 BY MS. WILKINSON:
 01:43:21 13 Q. That wasn't my question. My question was
 01:43:25 14 you said -- you testified that it was extra effort
 01:43:29 15 to put in this mutation. And my question is:
 01:43:32 16 Could you have expressed the exact sequence of the
 01:43:37 17 gag DNA gene in a commercially available plasmid,
 01:43:46 18 transcribed that into RNA and used that as an
 01:43:50 19 internal standard?
 01:43:51 20 MR. STONE: Objection. Vague and ambiguous.
 01:43:53 21 Overbroad. Incomplete hypothetical. Calls for
 01:43:56 22 speculation.
 01:44:00 23 THE WITNESS: It depends on how do you want
 01:44:01 24 to detect that product.
 01:44:01 25 BY MS. WILKINSON:

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02:06:30 1 Q. And it was your testimony that you don't
 02:06:32 2 know David Schwartz?
 02:06:34 3 A. Right.
 02:06:34 4 Q. And you didn't give David Schwartz
 02:06:36 5 anything?
 02:06:36 6 A. That's right.
 02:06:38 7 Q. Did you review your notebooks in
 02:06:40 8 preparation for today's deposition?
 02:06:43 9 A. My notebooks?
 02:06:44 10 Q. Yes.
 02:06:45 11 A. No.
 02:06:45 12 Q. Your Cetus notebooks.
 02:06:48 13 Sitting here today, do you know of any
 02:06:50 14 references to Mark Holodniy in any of your Cetus
 02:06:53 15 laboratory notebooks?
 02:06:55 16 A. No.
 02:06:56 17 Q. Sitting here today, do you know of any
 02:06:58 18 references to quantitative PCR of HIV in any of
 02:07:03 19 your Cetus laboratory notebooks?
 02:07:05 20 A. No.
 02:07:23 21 MS. WILKINSON: That's all I have.
 02:07:24 22 MR. STONE: No further questions.
 02:07:26 23 MS. WILKINSON: Thank you very much for your
 02:07:27 24 time this afternoon. Appreciate it.
 02:07:28 25 THE WITNESS: You're welcome.

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 8 I, ALICE WANG, Ph.D., do hereby declare
 9 under penalty of perjury that I have read the
 10 foregoing transcript of my deposition; that I have
 11 made such corrections as noted herein, in ink,
 12 initialed by me, or attached hereto; that my testimony
 13 as contained herein, as corrected, is true and
 14 correct.
 15 EXECUTED this ____ day of
 16 _____, 20____, at
 17 _____,
 18 (City) (State)
 19
 20
 21 _____
 22 ALICE WANG, Ph.D.
 23
 24
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02:07:30 1 MR. STONE: Let's go off the record.
 02:07:31 2 VIDEO OPERATOR: Okay. Stand by. This
 02:07:33 3 concludes today's deposition of Dr. Alice Wang. The
 02:07:37 4 number of media used was two. We are off the record
 02:07:40 5 at 2:07 p.m.
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1
 2 I, the undersigned, a Certified Shorthand
 3 Reporter of the State of California, do hereby
 4 certify:
 5 That the foregoing proceedings were taken
 6 before me at the time and place herein set forth; that
 7 any witnesses in the foregoing proceedings, prior to
 8 testifying, were placed under oath; that a verbatim
 9 record of the proceedings was made by me using machine
 10 shorthand which was thereafter transcribed under my
 11 direction; further, that the foregoing is an accurate
 12 transcription thereof.
 13 I further certify that I am neither
 14 financially interested in the action nor a relative or
 15 employee of any attorney of any of the parties.
 16 IN WITNESS WHEREOF, I have this date
 17 subscribed my name.
 18
 19 Dated: _____
 20
 21
 22
 23
 24 _____
 25 SUZANNE F. BOSCHETTI
 CSR No. 5111

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