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6 Attorneys for Plaintiff and Counterclaim Defendant,
 7 THE BOARD OF TRUSTEES OF THE LELAND STANFORD
 JUNIOR UNIVERSITY and Counterclaim Defendant THOMAS
 8 MERIGAN

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiff,

16 v.

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 18 ROCHE MOLECULAR SYSTEMS, ET AL.,

19 Defendants.

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 21 ROCHE MOLECULAR SYSTEMS, ET AL.,

22 Counterclaimants,

23 v.

24 THE BOARD OF TRUSTEES OF THE
 25 LELAND STANFORD JUNIOR
 UNIVERSITY; AND THOMAS MERIGAN,

26 Counterclaim Defendants.
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Case No. C 05 04158 MHP

**DECLARATION OF RICARDO RODRIGUEZ
 IN SUPPORT OF STANFORD UNIVERSITY
 AND DR. MERIGAN'S RESPONSE TO
 DEFENDANTS' PROPOSED DISCOVERY
 PLAN REGARDING THE CONTRACT
 ISSUES**

1 I, Ricardo Rodriguez, declare as follows:

2 1. I am a partner with the law firm of Cooley Godward LLP, counsel of record for
3 The Board of Trustees of the Leland Stanford Junior University and Thomas Merigan in the
4 above-captioned matter. I have knowledge of the following, and if called as a witness, could and
5 would testify competently to this declaration's contents.

6 2. Attached hereto as Exhibit A is a true and correct copy of *Reduction in Plasma*
7 *Human Immunodeficiency Virus Ribonucleic Acid after Dideoxynucleoside Therapy as*
8 *Determined by the Polymerase Chain Reaction*, Holodniy et al., J. Clin. Invest. 88:1755-59
9 (Nov. 1991).

10 3. Attached hereto as Exhibit B is a true and correct copy of *Multicenter Evaluation*
11 *of Quantification Methods for Plasma Human Immunodeficiency Virus Type 1 RNA*, Lin et al,
12 JID 170:553-62 (1994).

13 4. Attached hereto as Exhibit C is a true and correct copy of *Association of Plasma*
14 *Human Immunodeficiency Virus Type 1 RNA Level with Risk of Clinical Progression in Patients*
15 *with Advanced Infection*, Coombs et al., JID 174:704-12 (1996).

16 5. Attached hereto as Exhibit D is a true and correct copy of the Assets Purchase
17 Agreement by and between Hoffmann-La Roche Inc. and Cetus Corporation, dated July 19,
18 1991. [FILED UNDER SEAL]

19 6. Attached hereto as Exhibit E is a true and correct copy of the Consulting
20 Agreement between Cetus Corporation and Thomas Merigan, M.D., effective April 13, 1984.

21 7. Attached hereto as Exhibit F is a true and correct copy of the Material Transfer
22 Agreement between Cetus and Thomas Merigan, M.D. and David Schwartz, M.D., Ph.D., signed
23 February 1989.

24 8. Attached hereto as Exhibit G is a true and correct copy of the Visitor's
25 Confidentiality Agreement between Cetus and Mark Holodniy, M.D., signed February 14, 1989.

26 9. Attached hereto as Exhibit H is a true and correct copy of the Non-Exclusive
27 Consulting Agreement by and between Cetus Corporation and Thomas C. Merigan, M.D.,
28 effective April 19, 1991. [FILED UNDER SEAL]

1 10. Attached hereto as Exhibit I is a true and correct copy of *Detection and*
2 *Quantification of Human Immunodeficiency Virus RNA in Patient Serum by Use of the*
3 *Polymerase Chain Reaction*, Holodniy et al., JID 163:862-66 (1991).

4 11. Attached hereto as Exhibit J is a true and correct copy of excerpts from the
5 Transcript of Proceedings, conducted on February 13, 2006.

6 12. I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration was executed in Palo Alto,
8 California on February 27, 2006.

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Ricardo Rodriguez