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May 31, 2006

May 22, 2006 VIA E-FILE
Honorable Marilyn Hall Patel
United States District Court, N. D. CA
450 Golden Gate Ave., Courtroom 15
San Francisco, CA 94102

Re: Stanford University v. Roche Molecular Systems, et al. (Case No.C 05-04158 MHP)

Your Honor:

Plaintiff, Stanford University, respectfully submits the attached Proposed Order pursuant to the telephonic conference held on May 23, 2006. Following the Court's instruction to obtain approval from defendants as to form, plaintiffs provided a draft of the Proposed Order to defendant's counsel on May 24, 2006. Plaintiff incorporated revisions requested by defendants regarding contacting individuals represented by counsel. However, defendants have insisted on inserting limitations in the Proposed Order relating to time limits and methods of recording the interviews. As these issues were never discussed in the May 23, 2006 conference, plaintiff opposed inserting such restrictions into the Court's Order. Although defendant's objections go to the substance rather than the form of the order, they refuse to approve the form of the Proposed Order without these limitations. Accordingly, plaintiff cannot represent that defendants have approved this Proposed Order. Review of the transcript of the May 23 teleconference will confirm that this Proposed Order is wholly consistent with the Court's instructions.

Respectfully submitted,

/s/

Michelle S. Rhyu

cc: Jeremy Burns
Brian Cannon

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