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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

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

15 Plaintiff,

16 v.

18 ROCHE MOLECULAR SYSTEMS, ET AL.,

19 Defendants.

20 ROCHE MOLECULAR SYSTEMS, ET AL.,

21 Counterclaimants,

22 v.

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

26 Counterclaim Defendants.

Case No. C 05 04158 MHP

**[PROPOSED] ORDER RE INTERVIEWING
 WITNESSES**

1 The Court held a telephonic conference on May 23, 2006. Upon hearing the Parties'
2 respective positions relating to the number of individuals identified who may have knowledge or
3 information relevant to the first phase of this case,

4 IT IS HEREBY ORDERED that:

5 (1) Each Party shall be permitted to take up to ten (10) depositions in the ownership
6 phase of the case;

7 (2) Each Party is authorized to contact any individual who has been identified in initial
8 disclosures as potentially having knowledge or information relevant to the ownership phase of
9 this case and to interview that individual in order to ascertain whether the individual should be
10 formally deposed in this case, with the exception of the named inventors;

11 (3) Any such individual is hereby relieved of any contractual obligations that might
12 otherwise prevent the individual from discussing confidential information with any Party,
13 provided that:

14 (a) Any confidential information disclosed by the individual to a Party shall be
15 treated as confidential information under the Protective Order entered in this case
16 on May 19, 2006;

17 (b) Upon contacting any such individual for the purpose of an interview, a
18 Party shall provide the individual a copy of the Protective Order and this Order;

19 (c) For individuals not identified as being represented by counsel, the
20 contacting Party shall inform the individual that he or she may have the option of
21 having counsel present during the interview; if counsel is requested, the interview
22 shall not continue until requested counsel is present; and

23 (d) For individuals identified as being represented by counsel, contact shall be
24 through opposing counsel before any interview is conducted.

25 IT IS SO ORDERED.

26
27 Dated: _____

HONORABLE MARILYN HALL PATEL
United States District Court Judge