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8 Attorneys for Third-Party
 9 CHIRON CORPORATION

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 The Board of Trustees of the Leland
 13 Stanford Junior University,

14 Plaintiff,

15 vs.

16 Roche Molecular Systems, Inc.; Roche
 17 Diagnostics Corporation; Roche Diagnostic
 18 Operations, Inc.,

19 Defendants.

Case No. C 05-04158 MHP

**DECLARATION OF SANDRA A.
 KEARNEY IN SUPPORT OF CHIRON
 CORPORATION'S *EX PARTE*
 APPLICATION TO FILE CERTAIN
 DOCUMENTS UNDER SEAL**

Judge: Hon. Marilyn Hall Patel
 Dept: Courtroom 15, 18th Floor

Hearing Date: June 28, 2006
 Hearing Time: 2:00 p.m.

20 I, SANDRA A. KEARNEY, declare:

21 1. I am an attorney licensed to practice law in the State of California and am a partner
 22 in the law firm of Farella Braun + Martel, LLP, attorneys of record herein for third-party Chiron
 23 Corporation ("Chiron"). I have personal knowledge of the facts set forth herein and, if called as a
 24 witness, could and would competently testify thereto.

25 2. On June 27, 2006, Chiron filed a letter brief ("Letter Brief") with this Court to
 26 address the discovery dispute between Chiron and Roche Molecular Systems, Inc. et al.
 27 ("Roche") over Chiron's production of documents in response to Roche's third-party subpoena.

28 3. Exhibit A to the Letter Brief is comprised of two charts, both of which have been
 designated as "Confidential" pursuant to the parties' Stipulated Protective Order, entered by the
 Court on May 19, 2006.

KEARNEY DECL. ISO CHIRON'S EX
 PARTE APP. TO FILE UNDER SEAL
 Case No. C 05-04158 MHP

1 4. The two charts that comprise Exhibit A to the Letter Brief were prepared by
2 Chiron to identify the content of certain scientists' notebooks at issue in the discovery dispute,
3 and to briefly summarize the information in the notebooks that was not produced.

4 5. These charts contain sensitive and confidential information that constitutes,
5 discloses or relates to processes, research, technical or developmental information, and other
6 proprietary data and information of commercial value under Paragraph 2(a) of the Stipulated
7 Protective Order. Filing these documents in the public record would place Chiron at a
8 competitive disadvantage by disclosing information pertaining to its proprietary scientific
9 research and technology.

10 6. Attached hereto as Exhibit A are true and correct copies of the two documents
11 contained in Exhibit A to the Letter Brief. **(FILED UNDER SEAL)**.

12 7. We have narrowly tailored this request to file only Exhibit A to the Letter Brief
13 under seal and do not seek to seal the entire Letter Brief.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

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DATED: June 27, 2006

FARELLA BRAUN & MARTEL LLP

By: _____ /s/
Sandra A. Kearney

Attorneys for Third Party
CHIRON CORPORATION