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THE BOARD OF TRUSTEES OF THE LELAND STANFORD
7 JUNIOR UNIVERSITY and Counterclaim Defendant THOMAS
MERIGAN
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12
13 THE BOARD OF TRUSTEES OF THE
14 LELAND STANFORD JUNIOR
UNIVERSITY,

15 Plaintiff,

16 v.
17

18 ROCHE MOLECULAR SYSTEMS, ET AL.,

19 Defendants.

20 ROCHE MOLECULAR SYSTEMS, ET AL.,

21 Counterclaimants,
22

23 v.

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

26 Counterclaim Defendants.
27
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Case No. C 05 04158 MHP

~~PROPOSED~~ ORDER AND
STIPULATION RE DEPOSITIONS IN
LIEU OF WITNESS INTERVIEWS

1 WHEREAS, the Court Ordered that Each Party shall be permitted to take up to ten (10)
2 depositions in the ownership phase of this case;

3 WHEREAS, the Court further Ordered that Each Party is authorized to interview any
4 individual who has been identified in initial disclosures as potentially having knowledge or
5 information relevant to the ownership phase of the case and to ascertain whether the individual
6 should be formally deposed in the case;

7 WHEREAS, the Parties have met and conferred and agreed to forego witness interviews
8 in favor of translating the ten depositions of seven hours into a maximum of 70 hours of
9 depositions under the following conditions;

10 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

11 1. Each side will be limited to a total of 70 hours of deposition time or 20
12 depositions, whichever occurs first, in the ownership phase of this case;

13 2. The deposition of each natural person shall not exceed 7 total hours (absent a
14 Court order) and shall count as one deposition toward the 20 deposition limit, whether that natural
15 person's deposition is taken in his or her capacity as an individual, as a 30(b)(6) designee on
16 behalf of a party, or both; and

17 3. If any party designates any 30(b)(6) witnesses that have not, as of the date of this
18 stipulation, been identified on any party's initial disclosures, the depositions of those natural
19 persons, provided they are deposed in their representative capacities only, shall collectively count
20 as one deposition toward the 20 deposition limit. If, however, any natural person subject to this
21 paragraph is also deposed in his or her individual capacity (regardless of whether that natural
22 person has also been designated or deposed as a 30(b)(6) witness), such deposition shall count
23 individually toward the 20 deposition limit. In either event, the total time expended during any
24 such natural person's deposition shall be counted toward the 70 hour limit.

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Dated: June 27, 2006

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Defendant The Board of Trustees of the Leland
Stanford Junior University and Counterclaim
Defendant Thomas Merigan

Dated: June __, 2006

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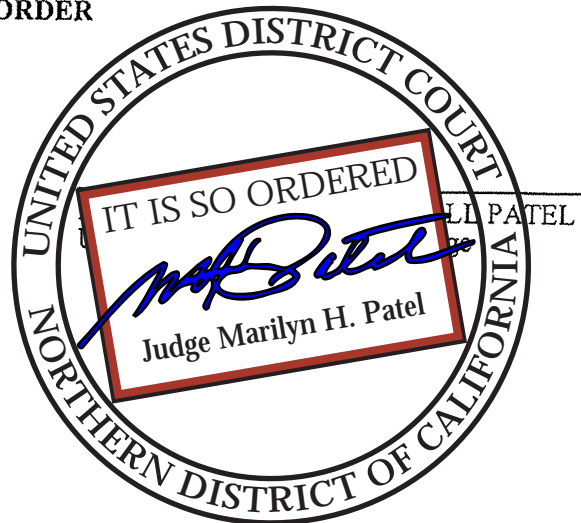
Jeffrey N. Boozell

Jeffrey Boozell
Attorneys for Defendants and Counterclaim
Plaintiff Roche Molecular Systems, Inc.; Roche
Diagnostics Corporation; and Roche Diagnostics
Operations, Inc.

ORDER

IT IS SO ORDERED.

Dated: June 28, 2006



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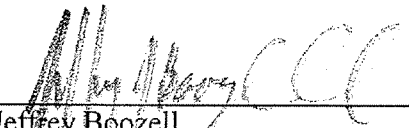
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Plaintiff Roche Molecular Systems, Inc.; Roche
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Operations, Inc.

ORDER

IT IS SO ORDERED.

Dated: _____

HONORABLE MARILYN HALL PATEL
United States District Court Judge