

# EXHIBIT A

**quinn emanuel trial lawyers | los angeles**

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 | TEL 213-443-3000 FAX 213-443-3100

July 18, 2006

**VIA U.S. MAIL AND EMAIL**

Michelle Rhyu  
Cooley Godward LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, California 94306-2155

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

Dear Michelle:

We have contacted all of the witnesses identified in your July 10, 2006 letter. Set forth below is the current availability of those witnesses that have responded. Please let us know as soon as possible when you would like to depose these individuals. As you know, the witnesses are extremely busy and their availability is subject to change.

**quinn emanuel urquhart oliver & hedges, llp**

NEW YORK | 335 Madison Avenue, 17th Floor, New York, New York 10017 | TEL 212-702-8100 FAX 212-702-8200

SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111 | TEL 415-875-6600 FAX 415-875-6700

SILICON VALLEY | 555 Twin Dolphin Drive, Suite 560, Redwood Shores, California 94065 | TEL 650-801-5000 FAX 650-801-5100

SAN DIEGO | 4445 Eastgate Mall, Suite 200, San Diego, California 92121 | TEL 858-812-3107 FAX 858-812-3336

Witness	Availability	Location
Ernie Kawasaki	August 11, 14, 15, 16, 17, 18, 21, 22, 23 and 24	Bethesda, Maryland
Alice Wang	August 8, 10, 11, 14, 15, 17, 18, 21, and 22	Quinn - Redwood Shores
Shirley Kwok	August 3, 7, 8, 10, 14, 15, 17, 21, 22, 24, 28, 29, and 31	Quinn - Redwood Shores
Stacey Sias	August 8, 10, 11, 17, 18, 21, 22, 24, 25, 28, and 31	Quinn - Redwood Shores
William Gerber	August 9, 10, 11, 14, 15, 16, 17, and 18	Quinn - San Francisco
Tom MacMahon	August 7, 14, and 21	Branchburg, New Jersey
Michael Ostrach	August 1, 2, 7, and 9	Quinn - Redwood Shores
George Gould	August 15, 16, 17, and 18	Newark, New Jersey

We have yet to determine the availability of Eric Groves, Sharon DeGroat, Jeff Price and George Jen.

The depositions of Fredrick Kentz, John Sninsky, and Michael Konrad are set for July 25, 27, and 28 respectively in our Redwood Shores office.

Please provide dates in August for the depositions of Mark Winters and Lily Tan. Also, please let us know immediately if your office will be representing Barry Elledge in connection with his deposition. As you know, his deposition needs to be rescheduled.

We will keep you updated on our progress.

Sincerely,

  
 Jeffrey Boozell  
 04972/1921444.1

**quinn emanuel** trial lawyers | silicon valley

555 Twin Dolphin Drive, Suite 560, Redwood Shores, California 94065 | TEL: (650) 801-5000 FAX: (650) 801-5100

WRITER'S INTERNET ADDRESS  
[jeremyburns@quinnemanuel.com](mailto:jeremyburns@quinnemanuel.com)

July 27, 2006

**VIA E-MAIL AND US-MAIL**

Ricardo Rodriguez  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA  
94306-2155

Re: Stanford v. RMS

Dear Ricardo:

I write to designate our remaining 30(b)(6) witnesses. Subject to our objections, Rhea Nersesian will be available on August 31, 2006 as Roche's designee to testify with respect to Topics 1-10, 13, 14, 15, 18, 20, 21, 23, 24, 25, 29, 30, 32, and 39. Subject to our objections, Roche also designates Michael Ostrach with respect to Topics 14 & 17. Thus, Michael Ostrach will be Roche's designee on Topics 9, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 26, 27. Former Cetus employee Clayton Casipit remains Roche's designee on Topics 8, 9, 10, 21, 23, 24, 25 and 30 in connection with the creation of the RNA standard used in the HIV RNA quantification assay and its transfer to Stanford's Dr. Holodniy in 1989, as well as Cetus' first knowledge of the Journal of Infectious Disease paper of which Mr. Casipit was an author. Finally, subject to our objections, Roche further designates George Jen on Topics 26(d), 28 and 31. We will provide you with his availability shortly.

We believe that this resolves our dispute concerning Roche's 30(b)(6) designees. As a result, we believe that Court intervention regarding this issue is no longer needed. Please advise if you disagree.

Very truly yours,



Jeremy Burns  
JAB:JAB  
04972/1927057.1

**quinn emanuel urquhart oliver & hedges, llp**

LOS ANGELES | 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 | TEL (213) 443-3000 FAX (213) 443-3100  
NEW YORK | 51 Madison Avenue, 22nd Floor, New York, New York 10010 | TEL (212) 849-7000 FAX (212) 849-7100  
SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111 | TEL (415) 875-6600 FAX (415) 875-6700  
SAN DIEGO | 4445 Eastgate Mall, Suite 200, San Diego, California 92121 | TEL (858) 812-3107 FAX (858) 812-3356

**quinn emanuel trial lawyers | los angeles**

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 | TEL: (213) 443-3000 FAX: (213) 443-3100

July 27, 2006

**VIA E-MAIL AND U.S. MAIL**

Ricardo Rodriguez  
Cooley Godward  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA  
94306-2155

Re: Stanford v. RMS

Dear Ricardo:

I write in response to your letter of today concerning Rule 30(b)(6) depositions. You do not appear to dispute our designations, but only take issue with the timing of the witnesses with respect to the close of discovery on August 31. We do not believe you have a valid objection to Roche's scheduling of its fact and corporate witnesses. The schedule is parallel to that provided by Stanford for its witnesses, and Roche, in fact, has provided significantly more witnesses and Rule 30(b)(6) topics for deposition before August 15 than Stanford.

For instance, Stanford obtained Rule 30(b)(6) testimony from Clayton Casipit on eight topics on July 21 and will receive Rule 30(b)(6) testimony on thirteen more topics from Michael Ostrach on August 9. The remainder of the Rule 30(b)(6) topics will be covered by George Jen (date to be determined) and Rhea Nersesian on August 31 -- all before the discovery cut-off. Not only has Roche provided its designations, but Roche has also provided Stanford with dates for ten of Roche's fact witnesses before August 15 (1) Susanne DeWitt taken July 13; (2) Clayton Casipit taken July 21; (3) Rick Kentz taken July 25; (4) John Sninsky taken July 26; (5) Michael Konrad set for July 28; (6) Tom McMahon set for August 7; (7) George Gould set for August 8; (8)

**quinn emanuel urquhart oliver & hedges, llp**

NEW YORK | 51 Madison Avenue, 22nd Floor, New York, New York 10010 | TEL (212) 849-7000 FAX (212) 849-7100  
SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111 | TEL (415) 875-6600 FAX (415) 875-6700  
SILICON VALLEY | 555 Twin Dolphin Drive, Suite 560, Redwood Shores, California 94065 | TEL (650) 801-5000 FAX (650) 801-5100  
SAN DIEGO | 4445 Eastgate Mall, Suite 200, San Diego, California 92121 | TEL (858) 812-3107 FAX (858) 812-3336

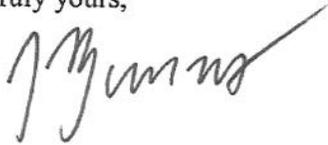
04972/1927728.1

Michael Ostrach set for August 9; (9) Shirley Kwok set for August 10; and (10) William Gerber set for August 15. We have also offered you dates before August 15 for Stacey Sias and Alice Wang.

In stark contrast, Stanford has only scheduled three fact witnesses before August 15 (Holodniy, Sengupta and Winters), and has scheduled its corporate witness, Mary Albertson, for deposition in the last two weeks of August and Stanford's named inventor Dr. Merigan for August 30. In addition, you have stated that Dr. Merigan will also be the corporate designee for topics 7, 11-12, 21 and 22 "to the extent Dr. Merigan was involved in the relevant agreements or grant applications." This is the same method of designation we used for Clayton Casipit's corporate testimony about his construction of the Cetus RNA standard and his transfer of this Cetus property to Stanford's Dr. Holodniy in 1989.

We do not believe Stanford has any grounds to complain about the scheduling of depositions in this case. Accordingly, we request you confirm in writing to us by noon tomorrow (July 28) that you will be withdrawing your request for a court hearing. If you do not, we will have no choice but seek our own relief from the court.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremy Burns', with a long, sweeping horizontal stroke extending to the right.

Jeremy Burns

04972/1927728.1

**quinn emanuel** trial lawyers | silicon valley

555 Twin Dolphin Drive, Suite 560, Redwood Shores, California 94065 | TEL: (650) 801-5000 FAX: (650) 801-5100

July 28, 2006

WRITER'S INTERNET ADDRESS  
[jeremyburns@quinnemanuel.com](mailto:jeremyburns@quinnemanuel.com)

VIA E-MAIL AND US-MAIL

Michelle Rhyu, Esq.  
Cooley Godward  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA  
94306-2155

Re: Stanford v. RMS

Dear Michelle:

I write to confirm the deposition of Michael Ostrach on August 9 at Quinn Emanuel's office in Redwood Shores. I also confirm Shirley Kwok's deposition on August 10 at Quinn Emanuel's office in Redwood Shores, and Dr. Eric Groves' deposition on August 11 in San Diego. I will get back to you with a venue for Dr. Groves.

Note that Alice Wang is no longer available on August 10. Also, Mr. McMahon is no longer available the week of August 7th. We understand he is currently still available on August 14 and the 21st. George Jen is available on the 15th. Sharon DeGroat is available on either Saturday August 5th or 26th in Connecticut.

We are attempting to confirm the morning of August 31 for Stacy Sias in Quinn Emanuel's San Francisco office, but have been unable to do so. Perhaps it would be best if Stanford selected another date.

Please provide dates for Dr. Lisa Kole (and confirm that you represent her), Barry Elledge and Laura Coruzzi.

I also confirm that you agree to no longer seek the depositions of William Gerber and George Gould. You are also considering not deposing Dr. Price. Please let us know as soon as possible.

We accept the deposition of Mark Winters on August 3, and Lily Tan on Sunday, August 20. Both Winters and Tan will be taken at Cooley Godward's Palo Alto office. Please confirm you represent them by close of business Monday.

**quinn emanuel urquhart olliver & hedges, llp**

LOS ANGELES | 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 | TEL (213) 443-3000 FAX (213) 443-3100  
NEW YORK | 51 Madison Avenue, 22nd Floor, New York, New York 10010 | TEL (212) 849-7000 FAX (212) 849-7100  
SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111 | TEL (415) 875-6600 FAX (415) 875-6700  
SAN DIEGO | 4445 Eastgate Mall, Suite 200, San Diego, California 92121 | TEL (858) 812-3107 FAX (858) 812-3336

04972/1927596.1

Also kindly provide color copies of the Tan notebooks, per our previous arrangement, by August 11, and please bring the original Tan and Winters notebooks to their respective depositions. Finally, we would like resumes for Tan and Winters.

Best Regards,

A handwritten signature in black ink, appearing to read "Jeremy Burns". The signature is fluid and cursive, with the first name "Jeremy" written in a larger, more prominent script than the last name "Burns".

Jeremy Burns

JB:JAB

04972/1927596.1