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

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 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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

15 Plaintiff,

16 v.

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 18 ROCHE MOLECULAR SYSTEMS, ET AL.,

19 Defendants.

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 21 ROCHE MOLECULAR SYSTEMS, ET AL.,

22 Counterclaimants,

23 v.

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

26 Counterclaim Defendants.  
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Case No. C 05 04158 MHP

**STANFORD UNIVERSITY'S STATEMENT  
 OF ISSUES FOR SUMMARY JUDGMENT**

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Pursuant to the Court's September 22, 2006 Order, Plaintiff Stanford University identifies the following topics on which it intends to move for summary judgment:

1. All of Roche's claims to ownership and license of the patents and patent applications identified in their counterclaims are barred by the statute of limitations, estoppel, laches, unenforceability and lack of standing.
2. There is insufficient evidence as a matter of law for Roche to meet its burden on its claim of ownership or license through the Merigan 1984 and 1991 consulting agreements, the 1989 MTA, the Holodniy Visitor's Confidentiality Agreement, or any other agreements.
3. There is insufficient evidence as a matter of law for Roche to meet its burden on its claim of ownership through the assertion of shop rights.

Dated: October 20, 2006

COOLEY GODWARD KRONISH LLP

by: \_\_\_\_\_ /s/ Michelle S. Rhyu

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