

1 COOLEY GODWARD KRONISH LLP  
 2 STEPHEN C. NEAL (No. 170085) (nealsc@cooley.com)  
 3 RICARDO RODRIGUEZ (No. 173003) (rr@cooley.com)  
 4 MICHELLE S. RHYU (No. 212922) (mrhyu@cooley.com)  
 5 Five Palo Alto Square  
 3000 El Camino Real  
 Palo Alto, CA 94306-2155  
 Tel: (650) 843-5000  
 Fax: (650) 857-0663

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  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12  
 13 THE BOARD OF TRUSTEES OF THE  
 14 LELAND STANFORD JUNIOR  
 UNIVERSITY,

15 Plaintiff,

16 v.

17 ROCHE MOLECULAR SYSTEMS, ET AL.,

18 Defendants.

19  
 20  
 21 ROCHE MOLECULAR SYSTEMS, ET AL.,

22 Counterclaimants,

23 v.

24 THE BOARD OF TRUSTEES OF THE  
 25 LELAND STANFORD JUNIOR  
 UNIVERSITY; THOMAS MERIGAN AND  
 26 MARK HOLODNIY

27 Counterclaim Defendants.  
 28

Case No. C 05 04158 MHP

**COUNTERCLAIM DEFENDANTS  
 STANFORD UNIVERSITY, DR. MERIGAN  
 AND DR. HOLODNIY'S ADMINISTRATIVE  
 REQUEST TO FILE UNDER SEAL THEIR  
 MOTION FOR SUMMARY JUDGMENT AND  
 CERTAIN EXHIBITS IN THE  
 DECLARATION OF MICHELLE S. RHYU IN  
 SUPPORT THEREOF**

1 This Administrative request is submitted in support of Plaintiff and Counterclaim  
2 Defendants' Motion for Summary Judgment.

3 1. In accordance with Civil Local Rule 79-5(b) and the Stipulated Protective Order  
4 Regarding Disclosure of Protected Information entered by this Court on May 19, 2006, Plaintiffs  
5 and Counterclaim Defendants request that the following exhibit attached to the Declaration of  
6 Michelle S. Rhyu, submitted herewith, be filed under seal: Exhibit 7 – Excerpts from Mark  
7 Holodniy's Lab Notebook, vol. 3.

8 2. In accordance with Civil Local Rules 79-5(b) and (d) and the Stipulated Protective  
9 Order Regarding Disclosure of Protected Information entered by this Court on May 19, 2006,  
10 Plaintiffs and Counterclaim Defendants request that the following exhibit attached to the  
11 Declaration of Michelle S. Rhyu, submitted herewith, be filed under seal: Exhibit 681 –  
12 Defendants' Supplemental Responses and Objections to Plaintiff's First and Second Sets of  
13 Interrogatories [Nos. 2-11], dated August 14, 2006.

14 3. In accordance with Civil Local Rules 79-5(c) and (d) and the Stipulated Protective  
15 Order Regarding Disclosure of Protected Information entered by this Court on May 19, 2006,  
16 Plaintiffs and Counterclaim Defendants request to file Plaintiffs' and Counterclaim Defendants'  
17 Motion for Summary Judgment, submitted herewith, under seal. A public, redacted version of  
18 this document is being lodged with the court electronically herewith.

19 4. Plaintiffs and Counterclaim Defendants also lodged the following documents  
20 separately for filing under seal. Upon review and in agreement with Defendants, Plaintiffs and  
21 Counterclaim Defendants hereby inform that court that these documents are no longer designated  
22 confidential and do not require filing under seal:

23 (a) Exhibit 5 – Excerpts from Mark Holodniy's Lab Notebook, vol. 1;

24 (b) Exhibit 554 – Letter from Luis Mejia to Thomas MacMahon, re "PCR Assays for  
25 Monitoring Antiviral Therapy and Making Therapeutic Decisions in the Treatment of AIDS,"  
26 dated October 1, 1998;

27  
28

1 (c) Exhibit 554A – Letter from Luis Mejia to Thomas MacMahon, re “PCR Assays for  
2 Monitoring Antiviral Therapy and Making Therapeutic Decisions in the Treatment of AIDS,”  
3 dated October 1, 1998 [Stanford Bates labeled version];

4 (d) Exhibit 693 – Stanford University Office of Technology Licensing PowerPoint  
5 Presentation.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: October 27, 2006

COOLEY GODWARD KRONISH LLP

by: /s/ \_\_\_\_\_  
Ricardo Rodriguez

Attorneys for Counter Defendants The Board of  
Trustees of the Leland Stanford Junior University,  
Thomas Merigan and Mark Holodniy

739920 v1/PA