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6 Attorneys for Plaintiff and Counterclaim Defendant,
THE BOARD OF TRUSTEES OF THE LELAND STANFORD
7 JUNIOR UNIVERSITY and Counterclaim Defendant THOMAS
MERIGAN
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

13 THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
14 UNIVERSITY,
15 Plaintiff,
16 v.
17 ROCHE MOLECULAR SYSTEMS, ET AL.,
18 Defendants.
19

Case No. C 05 04158 MHP
**DECLARATION OF RICARDO RODRIGUEZ
IN SUPPORT OF ADMINISTRATIVE
REQUEST TO FILE UNDER SEAL
PORTIONS OF PLAINTIFF AND COUNTER
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND DECLARATION OF
MICHELLE S. RHYU IN SUPPORT
THEREOF**

20 ROCHE MOLECULAR SYSTEMS, ET AL.,
21 Counterclaimants,
22 v.
23 THE BOARD OF TRUSTEES OF THE
24 LELAND STANFORD JUNIOR
UNIVERSITY; THOMAS MERIGAN AND
25 MARK HOLODNIY
26 Counterclaim Defendants.
27

1 I, Ricardo Rodriguez, declare as follows:

2 1. I am an attorney with the law firm of Cooley Godward Kronish LLP, counsel of
3 record for The Board of Trustees of the Leland Stanford Junior University and Thomas Merigan
4 in the above-captioned matter. I have knowledge of the following, and if called as a witness, I
5 could and would testify competently to this declaration's contents.

6 2. The Declaration of Michelle S. Rhyu in Support of Counterclaim Defendants
7 Stanford University, Dr. Merigan, and Dr. Holodniy's Motion for Summary Judgment contains
8 documents that have been designated as "Confidential Information" pursuant to the Stipulated
9 Protective Order entered in this action on May 19, 2006 at docket number 31 as exhibits.

10 3. Exhibit 7 contains excerpts from Mark Holodniy's lab notebook that reflect
11 experiments done on patient samples. This has been designated as confidential by Plaintiffs and
12 Counterclaim Defendants.

13 4. Exhibit 681 is Defendants' Supplemental Responses and Objections to Plaintiff's
14 First and Second Sets of Interrogatories. This has been designated as confidential by Defendants.

15 5. Stanford University, Dr. Merigan and Dr. Holodniy's Motion for Summary
16 Judgment refers to exhibits 7 and 681.

17 6. The references within the Motion for Summary Judgment to exhibit 7 do not
18 disclose any specific information which Stanford, Dr. Merigan, and Dr. Holodniy deem
19 confidential. Thus, Stanford, Dr. Merigan, and Dr. Holodniy do not request redaction of these
20 references.

21 7. Stanford, Dr. Merigan, and Dr. Holodniy are unable to determine whether
22 references within the Motion to exhibit 681 disclose information which Defendants deem
23 confidential.

24 8. Under the Protective Order, "Confidential Information" means trade secrets as
25 well as other information that, in the ordinary course, is neither made available to the general
26 public or the industry at large and to which access is restricted and efforts have been made to
27 keep the information from being broadly disseminated. The Motion for Summary Judgment
28 contains confidential information of the Plaintiff and Defendants.

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9. A public version of the Motion for Summary Judgment has been electronically filed with the Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed in Palo Alto, California on October 27, 2006.

/s/ _____
Ricardo Rodriguez

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