

CONFIDENTIAL ATTORNEYS EYES ONLY - RESTRICTED

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 THE BOARD OF THE TRUSTEES OF
4 THE LELAND STANFORD JUNIOR UNIVERSITY,
5 Plaintiff,
6 vs. No. C-05-04158 MHP
7 ROCHE MOLECULAR SYSTEMS, INC.;
8 ROCHE DIAGNOSTICS CORPORATION;
9 ROCHE DIAGNOSTICS OPERATIONS,
10 INC.; ROCHE DIAGNOSTIC SYSTEMS,
11 INC.,
12 Defendant.
13 AND RELATED COUNTERCLAIM.

14 CONFIDENTIAL - ATTORNEYS' EYES ONLY - RESTRICTED
15 VIDEOTAPED DEPOSITION OF ALICE WANG, Ph.D.
16 Redwood Shores, California
17 Tuesday, August 8 2006

18 Reported by:
19 SUZANNE F. BOSCHETTI
20 CSR No. 5111
21 Job No. 3-50828

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2
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4 the Trustees of the Leland Stanford Junior University,
5 et al.:
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10 ROCHE DIAGNOSTICS OPERATIONS,
11 INC.; ROCHE DIAGNOSTIC SYSTEMS,
12 INC.,
13 Defendant.
14
15 AND RELATED COUNTERCLAIM.

16 Confidential videotaped deposition of ALICE
17 WANG, Ph.D., taken on behalf of Plaintiff and
18 Counterclaim Defendants The Board of the Trustees of
19 the Leland Stanford Junior University, at 555 Twin
20 Dolphin Drive, Suite 560, Redwood Shores, California,
21 beginning at 10:02 a.m. and ending at 2:07 p.m. on
22 Tuesday, August 8, 2006, before SUZANNE F. BOSCHETTI,
23 Certified Shorthand Reporter No. 5111.
24
25

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30 WAN00042; 2 pages

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11:54:31 1 recollection of giving Mark Holodniy anything else;
 11:54:35 2 is that right?
 11:54:35 3 MR. STONE: Object to the preamble.
 11:54:37 4 Objection, misstates her testimony.
 11:54:40 5 THE WITNESS: It's just too long ago. Don't
 11:54:43 6 remember those things.
 11:54:44 7 BY MS. WILKINSON:
 11:54:44 8 Q. You don't remember giving him anything
 11:54:46 9 other than the cRNA standard; is that right?
 11:54:50 10 MR. STONE: Objection, vague and ambiguous.
 11:54:51 11 Objection, misstates her testimony.
 11:54:54 12 THE WITNESS: As I stated, it's been too long
 11:54:56 13 ago. I don't recall.
 11:54:56 14 BY MS. WILKINSON:
 11:54:58 15 Q. Do you remember giving Mark Holodniy
 11:55:01 16 anything other than the cRNA standard?
 11:55:03 17 A. I don't recall.
 11:55:04 18 MR. STONE: Same objection.
 11:55:04 19 BY MS. WILKINSON:
 11:55:12 20 Q. At the time that you interacted with Dr.
 11:55:16 21 Holodniy, what was your understanding of his
 11:55:19 22 relationship with Cetus?
 11:55:23 23 MR. STONE: Object to the extent it calls for
 11:55:25 24 a legal conclusion.
 11:55:30 25 THE WITNESS: He was introduced by my

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11:57:01 1 generate this.
 11:57:13 2 Q. Other than the interactions that you've
 11:57:15 3 discussed between you, Mr. Casipit and David Mark,
 11:57:20 4 are you aware of anybody else at Cetus with whom
 11:57:24 5 Dr. Holodniy interacted?
 11:57:26 6 A. No.
 11:57:30 7 Q. Are you aware of any document that show
 11:57:40 8 Mr. Holodniy receiving any information from anyone
 11:57:42 9 at Cetus?
 11:57:44 10 A. No.
 11:57:46 11 Q. Are you aware of any documents that show
 11:57:49 12 any material given to Mr. Holodniy by anyone at
 11:57:55 13 Cetus?
 11:57:55 14 A. No.
 11:57:57 15 Q. Are you aware of any material transfer
 11:58:02 16 agreements entered into between Cetus Corporation
 11:58:05 17 and anyone at Stanford University?
 11:58:09 18 A. No.
 11:58:11 19 Q. Are you aware of any agreement that Mr.
 11:58:17 20 Holodniy had executed with Cetus?
 11:58:20 21 A. No.
 11:58:21 22 Q. At the time that you interacted with Mr.
 11:58:28 23 Holodniy, did you know of any agreements that he
 11:58:33 24 signed with Cetus?
 11:58:34 25 A. No.

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11:55:32 1 supervisor. So I thought he was one of our
 11:55:35 2 collaborator.
 11:55:35 3 BY MS. WILKINSON:
 11:55:39 4 Q. By collaborator, what do you mean?
 11:55:48 5 A. So we worked on the same project to help each
 11:55:51 6 other.
 11:55:52 7 Q. Did you understand that Mr. Holodniy was a
 11:55:58 8 medical doctor from Stanford University?
 11:56:02 9 A. Yes.
 11:56:04 10 Q. What is your understanding of the work
 11:56:07 11 that Dr. Holodniy did at Stanford during the course
 11:56:12 12 of your collaboration?
 11:56:14 13 MR. STONE: Objection. Lacks foundation.
 11:56:19 14 THE WITNESS: We didn't talk too much, so I
 11:56:21 15 just know that he was a doctor there.
 11:56:23 16 BY MS. WILKINSON:
 11:56:23 17 Q. Did you have any understanding of how he
 11:56:27 18 was going to use the cRNA standard?
 11:56:36 19 A. Yes.
 11:56:37 20 Q. And what was your understanding?
 11:56:40 21 A. He want to use this to generate a standard
 11:56:42 22 curve to measure the HIV particles.
 11:56:51 23 Q. Is it your understanding that he generated
 11:56:53 24 such a standard curve?
 11:56:57 25 A. So after we give him the cRNA, yeah, he

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11:58:36 1 Q. At the time that you interacted with Mr.
 11:58:38 2 Holodniy, were you aware of any restrictions about
 11:58:45 3 how he could use information or the techniques that
 11:58:53 4 you discussed he -- that you helped him with?
 11:58:58 5 MR. STONE: Object to the extent it calls for
 11:59:00 6 a legal conclusion.
 11:59:01 7 THE WITNESS: No, I'm not aware of any.
 11:59:01 8 BY MS. WILKINSON:
 11:59:04 9 Q. You're not aware of any restrictions on
 11:59:06 10 Mark Holodniy's ability to use the information that
 11:59:10 11 he learned at Cetus; is that right?
 11:59:11 12 MR. STONE: Same objection.
 11:59:12 13 THE WITNESS: No.
 11:59:12 14 BY MS. WILKINSON:
 11:59:15 15 Q. And you're not aware of any restrictions
 11:59:17 16 on Mark Holodniy's use of the gag cRNA standard; is
 11:59:24 17 that correct?
 11:59:24 18 MR. STONE: Objection. Vague and ambiguous.
 11:59:26 19 Object to the extent it calls for a legal conclusion.
 11:59:32 20 THE WITNESS: I don't know those documents.
 11:59:32 21 BY MS. WILKINSON:
 11:59:34 22 Q. What documents are you referring to?
 11:59:36 23 A. No, no. What -- sorry, I --
 11:59:39 24 Q. I asked about if you were aware of any
 11:59:42 25 restrictions.

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<p>11:59:43 1 A. Oh, restrictions, no. 11:59:44 2 MR. STONE: Same objections. 11:59:49 3 MS. WILKINSON: I think this is a good time 11:59:51 4 to break for lunch. 11:59:53 5 MR. STONE: So you're close to being done 11:59:55 6 or -- 11:59:55 7 MS. WILKINSON: No. 11:59:56 8 MR. STONE: Okay. Okay. Fine. 11:59:58 9 MS. WILKINSON: You have a call. 11:59:58 10 MR. STONE: Yeah, great. Okay. 12:00:01 11 MS. WILKINSON: 45 minutes? 12:00:03 12 MR. STONE: Is that good for you, 45 minutes? 12:00:04 13 THE WITNESS: Yes. 12:00:04 14 MR. STONE: Okay. 12:00:04 15 MS. WILKINSON: Great. 12:00:04 16 VIDEO OPERATOR: The time is 12:00 p.m. 12:00:07 17 We're going off the record. And this will be the 12:00:09 18 completion of media No. 1. 12:53:59 19 (Lunch recess.) 12:54:00 20 VIDEO OPERATOR: Good afternoon. The time is 12:54:26 21 12:54 p.m. We're back on the record, and this is the 12:54:30 22 beginning of media No. 2 in the deposition of 12:54:33 23 Dr. Alice Wang. 12:54:33 24 BY MS. WILKINSON: 12:54:36 25 Q. Ms. Wang, do you know Thomas Merigan?</p>	<p>12:56:34 1 publication? 12:56:35 2 A. No. 12:56:35 3 Q. Did you produce this publication -- 12:56:39 4 A. No. 12:56:40 5 Q. -- to use in this litigation? 12:56:41 6 MR. STONE: If you recall. 12:56:41 7 BY MS. WILKINSON: 12:56:43 8 Q. Do you recall whether you produced this 12:56:45 9 publication? 12:56:56 10 A. I don't recall. 12:56:57 11 Q. Do you recall being served with document 12:57:02 12 subpoenas with requests from our law firm for you 12:57:09 13 to provide to us certain categories of documents if 12:57:14 14 they're in your possession? 12:57:15 15 A. Yes. 12:57:16 16 Q. And do you recall searching for responsive 12:57:22 17 documents? 12:57:23 18 A. Yes, I did. 12:57:23 19 Q. And where did you look? 12:57:27 20 A. I looked my old files, yeah. 12:57:31 21 Q. And where are your old files? 12:57:34 22 A. At my home. 12:57:36 23 Q. And what's in those files? 12:57:37 24 MR. STONE: Objection. Overbroad. 12:57:44 25 THE WITNESS: I looking for my, you know,</p>
<p>12:54:41 1 A. I don't know him. 12:54:42 2 Q. Did you ever interact with Mr. Merigan 12:54:46 3 while you were at Cetus Corporation? 12:54:48 4 A. No. 12:54:48 5 Q. Do you know David Schwartz? 12:54:51 6 A. David Schwartz? No. 12:54:53 7 Q. Did you ever interact with a David 12:54:56 8 Schwartz at Cetus Corporation? 12:54:58 9 A. No. 12:54:58 10 Q. Do you know of anybody else at Cetus 12:55:05 11 Corporation interacting with Dr. Thomas Merigan? 12:55:09 12 A. No, I don't. 12:55:10 13 Q. Do you know of anybody else from Cetus 12:55:14 14 Corporation interacting with David Schwartz? 12:55:17 15 A. No, I don't. 12:55:28 16 MS. WILKINSON: I'd like to mark as 12:55:30 17 Exhibit 582 an article titled "Reduction in Plasma 12:55:33 18 Human Immunodeficiency Virus Ribonucleic Acid After 12:55:40 19 Dideoxynucleoside Therapy as Determined by the 12:55:46 20 Polymerase Chain Reaction." The exhibit has been 12:55:50 21 Bates labeled WAN00022 through 26. 12:55:50 22 (Deposition Exhibit 582 marked by the 12:56:32 23 court reporter.) 12:56:32 24 BY MS. WILKINSON: 12:56:32 25 Q. Ms. Wang, do you recognize this</p>	<p>12:57:46 1 publication copies, as many I was looking for, yeah. 12:57:46 2 BY MS. WILKINSON: 12:57:56 3 Q. In addition to your publication files, 12:57:59 4 what else do you keep in your old files at home? 12:58:02 5 MR. STONE: Objection. Overbroad. 12:58:10 6 THE WITNESS: While I was looking for the 12:58:12 7 publication papers, I saw I had few files containing 12:58:18 8 my collaborators' information. 12:58:18 9 BY MS. WILKINSON: 12:58:22 10 Q. And what files are those? 12:58:25 11 A. You want me name them or what? 12:58:28 12 Q. Describe -- describe those documents to 12:58:30 13 me. 12:58:31 14 A. Oh. 12:58:31 15 MR. STONE: Same objection. 12:58:34 16 THE WITNESS: Because, you know, some these 12:58:36 17 files -- besides the publication, we sometimes had the 12:58:41 18 abstract for the conference, so I would, you know, 12:58:47 19 keep those information in the file. 12:58:47 20 BY MS. WILKINSON: 12:58:50 21 Q. Earlier today you testified that in 12:58:52 22 preparation for your deposition you had reviewed 12:58:55 23 the JID publication and an abstract that refreshed 12:58:59 24 your recollection. 12:59:01 25 A. Uh-huh.</p>

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<p>01:13:28 1 I'll now hand to the witness what has been 01:13:31 2 previously marked as Exhibit 16, United States Patent 01:13:34 3 No. 6,503,05 (sic). 01:13:34 4 (Deposition Exhibit 16 previously marked 01:13:34 5 was presented to the witness.) 01:13:34 6 BY MS. WILKINSON: 01:13:47 7 Q. Have you ever seen this document before? 01:13:49 8 MR. STONE: And I object to this line of 01:13:51 9 questioning as well. And I think you also misspoke. 01:13:53 10 It's 6,503,705. 01:13:56 11 MS. WILKINSON: Thank you. 01:13:59 12 MR. STONE: If you recall. 01:14:14 13 THE WITNESS: I don't recall. 01:14:14 14 BY MS. WILKINSON: 01:14:15 15 Q. You don't recall seeing this document? 01:14:21 16 A. No. 01:14:27 17 Q. I'd like to refer your attention back to 01:14:31 18 the JID article that we discussed that we marked as 01:14:35 19 Exhibit 579. Do you have that in front of you? 01:14:53 20 Earlier you testified that either you or 01:14:54 21 Mr. Casipit drafted language for the construction 01:15:00 22 of gag cRNA standard section of this document; is 01:15:05 23 that right? 01:15:05 24 A. Yes. 01:15:06 25 Q. What is the basis for your recollection?</p>	<p>01:16:37 1 A. Yes, yeah. 01:16:38 2 Q. But you don't recall whether you or 01:16:40 3 Mr. Casipit wrote the section? 01:16:47 4 A. I don't recall who wrote the section. It 01:16:52 5 could be from both of us, because he did the work and 01:16:55 6 I did the design. 01:16:57 7 Q. Is it possible that somebody other than 01:17:00 8 you or Mr. Casipit wrote this section? 01:17:03 9 A. No. 01:17:06 10 Q. Why not? 01:17:08 11 A. Because this very detailed information, and 01:17:13 12 unless you did the work, you did the design, you could 01:17:16 13 not write this. 01:17:16 14 Q. And you never told anybody else about the 01:17:22 15 work that you had done or Mr. Casipit had done at a 01:17:29 16 level of detail that was sufficient enough to write 01:17:33 17 this section; is that correct? 01:17:35 18 MR. STONE: Objection. Misstates her 01:17:37 19 testimony. 01:17:41 20 THE WITNESS: We could have discussed our 01:17:47 21 approach to somebody, but in terms of detail, only 01:17:52 22 Clayton and I would know the best. 01:17:57 23 BY MS. WILKINSON: 01:17:57 24 Q. So you never disclosed to anybody the 01:18:04 25 details of the work on the construction of a gag</p>
<p>01:15:12 1 A. What do you mean by that? 01:15:14 2 Q. Do you have any documents that show that 01:15:18 3 you or Mr. Casipit wrote any portion of this 01:15:22 4 section? 01:15:24 5 A. Because this work was in our lab, so we were 01:15:31 6 asked to write this portion. That's a common 01:15:38 7 practice. You write the work. 01:15:40 8 Q. Is it your testimony that your sole basis 01:15:44 9 for recollecting that either you or Mr. Casipit 01:15:52 10 wrote this section the fact that some of this work 01:15:56 11 was done in your lab? 01:15:59 12 MR. STONE: Objection. Misstates her 01:16:01 13 testimony. Argumentative. 01:16:06 14 THE WITNESS: That's a very common practice. 01:16:08 15 When you publish a paper, who did the work know the 01:16:12 16 best, so you write that portion. 01:16:13 17 BY MS. WILKINSON: 01:16:13 18 Q. Other than your reliance on this general 01:16:19 19 practice about describing the work that -- that you 01:16:23 20 think you did, do you have any specific 01:16:26 21 recollection of either you or Mr. Casipit writing 01:16:31 22 this? 01:16:33 23 A. I think so, yeah, yeah. We were asked -- 01:16:35 24 we've been asked. 01:16:36 25 Q. You were asked?</p>	<p>01:18:12 1 cRNA standard that would provide them enough 01:18:14 2 information to write this section; is that your 01:18:18 3 testimony? 01:18:18 4 MR. STONE: Objection. Asked and answered. 01:18:20 5 Argumentative. 01:18:25 6 THE WITNESS: I don't think we would, you 01:18:29 7 know, disclose the detail to anybody who's not working 01:18:32 8 on this thing. 01:18:32 9 BY MS. WILKINSON: 01:18:33 10 Q. And you said the only people who were 01:18:35 11 working on it were you and Mr. Casipit? 01:18:39 12 A. Yes. 01:18:39 13 Q. So other than you and Mr. Casipit, your 01:18:43 14 testimony is that nobody else would have sufficient 01:18:46 15 information -- 01:18:49 16 A. To write this. 01:18:51 17 Q. -- to write this? 01:18:52 18 A. That's right. 01:18:52 19 Q. That you and Mr. Casipit did not relay 01:18:55 20 sufficient information to anybody else to write 01:18:57 21 this? Is my understanding correct? 01:18:59 22 A. That's what I -- yes. 01:19:01 23 Q. If we could take a look at the -- that 01:19:05 24 section of Exhibit 579 at the bottom of WAN0001. 01:19:12 25 The second -- the second line of that section makes</p>

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01:19:15 1 reference to SK145 and SK39. What are those?
 01:19:22 2 A. Sorry, I didn't -- I didn't get it. Where is
 01:19:25 3 it? Oh, oh, here.
 01:19:27 4 MS. WILKINSON: Thank you, Counsel.
 01:19:34 5 THE WITNESS: This is HIV primers.
 01:19:34 6 BY MS. WILKINSON:
 01:19:38 7 Q. And is it your understanding that those
 01:19:40 8 primers had been previously published?
 01:19:44 9 MR. STONE: Object that it mischaracterizes
 01:19:47 10 the document.
 01:19:48 11 THE WITNESS: I don't know.
 01:19:48 12 BY MS. WILKINSON:
 01:19:49 13 Q. If you look up at the preceding section
 01:19:53 14 that begins "RNA extraction," and if you look one,
 01:19:58 15 two, three -- about four lines down in that
 01:20:02 16 paragraph, "Oligomers used for PCR," do you see
 01:20:07 17 that sentence?
 01:20:08 18 A. Yes, uh-huh.
 01:20:08 19 Q. It lists a number of sequences and
 01:20:12 20 represents that those sequences have been published
 01:20:15 21 previously?
 01:20:15 22 A. Uh-huh.
 01:20:16 23 MR. STONE: I'll object. The document speaks
 01:20:18 24 for itself.
 01:20:18 25 BY MS. WILKINSON:

01:21:09 1 inaccurate to you and you were aware of that
 01:21:13 2 inaccuracy, you would have corrected it at that
 01:21:16 3 time, right?
 01:21:17 4 A. Yes.
 01:21:21 5 Q. Moving back to the section on construction
 01:21:24 6 of gag cRNA standard, do you see there in the third
 01:21:29 7 line of that section a reference to EcoRI and KpnI
 01:21:35 8 restriction sites?
 01:21:38 9 A. Yes.
 01:21:38 10 Q. And what are those?
 01:21:39 11 A. These are the restriction sites we build into
 01:21:43 12 the primer. So subsequently we can clone this to our
 01:21:50 13 vector.
 01:21:50 14 Q. And EcoRI and KpnI restriction sites were
 01:21:55 15 known at the time that you were working on the
 01:21:57 16 construction of a gag cRNA standard; is that right?
 01:22:00 17 MR. STONE: Objection. Vague and ambiguous,
 01:22:01 18 overbroad.
 01:22:02 19 THE WITNESS: Could you repeat the question?
 01:22:03 20 MS. WILKINSON: Could you please read back my
 01:22:05 21 question?
 22 (Record read as follows:
 23 "QUESTION: And EcoRI and KpnI
 24 restriction sites were known at the time
 25 that you were working on the

01:20:18 1 Q. Does that refresh your recollection about
 01:20:20 2 whether those sequences were published at the time
 01:20:22 3 that you were doing the work on the construction of
 01:20:25 4 gag cRNA standard?
 01:20:28 5 MR. STONE: Objection. The document speaks
 01:20:29 6 for itself.
 01:20:38 7 THE WITNESS: I -- so these are -- these
 01:20:44 8 sequences I don't -- at that time I didn't know
 01:20:48 9 whether they published or not, but, you know, we just
 01:20:51 10 use them, yeah.
 01:20:52 11 BY MS. WILKINSON:
 01:20:52 12 Q. Do you know now whether they were
 01:20:53 13 published at that time?
 01:20:54 14 MR. STONE: Objection. Lacks foundation.
 01:20:56 15 Calls for speculation.
 01:20:58 16 THE WITNESS: The paper says they're
 01:20:59 17 published.
 01:20:59 18 BY MS. WILKINSON:
 01:21:00 19 Q. And you were an author on this paper; is
 01:21:02 20 that correct?
 01:21:02 21 A. Yes.
 01:21:03 22 Q. And you reviewed this paper prior to it
 01:21:05 23 being published?
 01:21:06 24 A. Mm-hmm.
 01:21:07 25 Q. And if something in this paper was

1 construction of a gag cRNA standard; is
 01:22:19 2 that right?")
 01:22:20 3 MR. STONE: Objection. Vague and ambiguous,
 01:22:21 4 overbroad, calls for speculation.
 01:22:23 5 THE WITNESS: These enzyme sites are well
 01:22:27 6 known, but whether we want to use these enzymes to our
 01:22:30 7 construct, that were not known.
 01:22:32 8 BY MS. WILKINSON:
 01:22:32 9 Q. And those enzymes were commercially
 01:22:34 10 available, right?
 01:22:35 11 A. Yes.
 01:22:35 12 Q. And they were available from New England
 01:22:38 13 Biolabs; is that right?
 01:22:40 14 A. Yes.
 01:22:40 15 Q. And the plasmid that you used for this
 01:22:42 16 construct, was the S -- the pSP72 plasmid; is that
 01:22:49 17 right?
 01:22:49 18 A. Yes.
 01:22:49 19 Q. And that plasmid was commercially
 01:22:51 20 available from Promega; is that right?
 01:22:54 21 A. Yes.
 01:22:54 22 Q. At the time that you did work on the
 01:22:57 23 construction of gag cRNA, generally PCR techniques
 01:23:04 24 were known in the field of molecular biology; is
 01:23:09 25 that right?

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01:23:09 1 MR. STONE: Objection. Vague and ambiguous,
 01:23:10 2 overbroad. Calls for expert testimony.
 01:23:16 3 THE WITNESS: PCR technology was well known,
 01:23:19 4 but in order to get the correct product to get the,
 01:23:25 5 you know, clean product, that need some kind of --
 01:23:28 6 need some expertise.
 01:23:28 7 BY MS. WILKINSON:
 01:23:30 8 Q. I'm sorry, I didn't -- I didn't hear your
 01:23:31 9 testimony. PCR technology was known, correct?
 01:23:35 10 A. Yes.
 01:23:35 11 Q. Yeah. The bottom of that paragraph
 01:23:41 12 discusses transformation of DH5a-competent cells.
 01:23:46 13 Is that correct?
 01:23:47 14 A. Yes.
 01:23:48 15 Q. And the transformation of those cells was
 01:23:52 16 described in a protocol that was commercially
 01:23:55 17 available; is that right?
 01:23:57 18 A. Yes.
 01:23:58 19 Q. And then moving on to WAN, WAN00002, the
 01:24:05 20 next page, at the top discusses the sequencing of
 01:24:09 21 the insert using a Sequenase kit that was
 01:24:15 22 commercially available; is that right?
 01:24:17 23 A. Yes.
 01:24:19 24 Q. And that plasmid was transcribed to RNA
 01:24:27 25 using a commercially available polymerase; is that

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01:26:01 1 today's deposition that refreshed your
 01:26:16 2 recollection?
 01:26:16 3 A. I found a piece of HIV sequence.
 01:26:19 4 Q. And what can you tell me about that
 01:26:21 5 sequence?
 01:26:23 6 A. So in that piece of paper I found some
 01:26:28 7 primers been, you know, written on it. Also I saw the
 01:26:36 8 primers I was trying to design also in -- on that
 01:26:41 9 paper.
 01:26:42 10 Q. And by paper, are you referring to a
 01:26:46 11 scientific publication?
 01:26:46 12 A. Oh, I'm sorry.
 01:26:47 13 Q. Or a physical piece of paper?
 01:26:49 14 A. Yeah, just piece of paper, yeah.
 01:26:51 15 Q. And you said primers that you're --
 01:26:54 16 A. Trying to design.
 01:26:55 17 Q. -- trying to design.
 01:26:56 18 A. For the cloning, yeah.
 01:26:58 19 Q. And can you describe that process to me?
 01:27:04 20 Can you design -- can you describe to me your
 01:27:09 21 design of primers?
 01:27:12 22 MR. STONE: Objection. Vague and ambiguous.
 01:27:18 23 THE WITNESS: As I told you before, we have
 01:27:20 24 strategy to clone this piece of DNA to our vector, and
 01:27:26 25 we found out, you know, the specific enzyme site we'd

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01:24:32 1 right?
 01:24:32 2 A. Yes.
 01:24:47 3 Q. Ms. Wang, were you served with two
 01:24:52 4 subpoenas for documents in this litigation?
 01:24:57 5 A. Yes.
 01:24:58 6 Q. Did you search for documents that were
 01:25:00 7 responsive to both?
 01:25:02 8 A. Yes.
 01:25:02 9 Q. Did you -- other than your curriculum
 01:25:05 10 vitae, did you locate any documents that were
 01:25:08 11 responsive to our second document subpoena?
 01:25:12 12 A. I searched, yes.
 01:25:13 13 Q. And you didn't find anything?
 01:25:15 14 A. I didn't find any, yeah.
 01:25:17 15 Q. You didn't find anything relating to your
 01:25:19 16 employment contracts with Cetus Corporation?
 01:25:21 17 A. No, I didn't.
 01:25:23 18 Q. And you didn't find anything relating to
 01:25:26 19 any patents that you've been an inventor on and may
 01:25:32 20 have assigned to any --
 01:25:34 21 A. No.
 01:25:35 22 Q. -- any entities?
 01:25:53 23 Besides the JID article and the abstract
 01:25:55 24 that you've told me about, were there any other
 01:25:59 25 documents that you reviewed in preparation for

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01:27:33 1 like to use. So we look the sequence of the HIV
 01:27:39 2 sequence and tried to design the primer position,
 01:27:45 3 could amplify that and then put into our vector.
 01:27:49 4 BY MS. WILKINSON:
 01:27:49 5 Q. And did that process involve
 01:27:52 6 identification of restriction sites within the
 01:27:56 7 sequence?
 01:27:59 8 A. No, we have to find restriction site is not
 01:28:03 9 in the sequence.
 01:28:04 10 Q. So you had to identify a restriction site
 01:28:07 11 that was not contained within the sequence that you
 01:28:10 12 wanted to use?
 01:28:10 13 A. We wanted -- exactly.
 01:28:12 14 Q. What else did that process involve?
 01:28:16 15 MR. STONE: Objection. Vague and ambiguous.
 01:28:17 16 Overbroad.
 01:28:19 17 THE WITNESS: Can you be more specific?
 01:28:21 18 BY MS. WILKINSON:
 01:28:22 19 Q. Other than identifying restriction sites
 01:28:26 20 that should not be present in the sequence you were
 01:28:29 21 working with --
 01:28:30 22 A. Yeah.
 01:28:31 23 Q. -- what did your design, as the term you
 01:28:36 24 used, what did your design of the primers involve?
 01:28:40 25 MR. STONE: Objection. Misstates testimony.

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02:06:30 1 Q. And it was your testimony that you don't
 02:06:32 2 know David Schwartz?
 02:06:34 3 A. Right.
 02:06:34 4 Q. And you didn't give David Schwartz
 02:06:36 5 anything?
 02:06:36 6 A. That's right.
 02:06:38 7 Q. Did you review your notebooks in
 02:06:40 8 preparation for today's deposition?
 02:06:43 9 A. My notebooks?
 02:06:44 10 Q. Yes.
 02:06:45 11 A. No.
 02:06:45 12 Q. Your Cetus notebooks.
 02:06:48 13 Sitting here today, do you know of any
 02:06:50 14 references to Mark Holodniy in any of your Cetus
 02:06:53 15 laboratory notebooks?
 02:06:55 16 A. No.
 02:06:56 17 Q. Sitting here today, do you know of any
 02:06:58 18 references to quantitative PCR of HIV in any of
 02:07:03 19 your Cetus laboratory notebooks?
 02:07:05 20 A. No.
 02:07:23 21 MS. WILKINSON: That's all I have.
 02:07:24 22 MR. STONE: No further questions.
 02:07:26 23 MS. WILKINSON: Thank you very much for your
 02:07:27 24 time this afternoon. Appreciate it.
 02:07:28 25 THE WITNESS: You're welcome.

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8 I, ALICE WANG, Ph.D., do hereby declare
9 under penalty of perjury that I have read the
10 foregoing transcript of my deposition; that I have
11 made such corrections as noted herein, in ink,
12 initialed by me, or attached hereto; that my testimony
13 as contained herein, as corrected, is true and
14 correct.
15 EXECUTED this ____ day of
16 _____, 20____, at
17 _____.
18 (City) (State)
19
20
21 ALICE WANG, Ph.D.
22
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02:07:30 1 MR. STONE: Let's go off the record.
 02:07:31 2 VIDEO OPERATOR: Okay. Stand by. This
 02:07:33 3 concludes today's deposition of Dr. Alice Wang. The
 02:07:37 4 number of media used was two. We are off the record
 02:07:40 5 at 2:07 p.m.
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2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify:
5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth; that
7 any witnesses in the foregoing proceedings, prior to
8 testifying, were placed under oath; that a verbatim
9 record of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; further, that the foregoing is an accurate
12 transcription thereof.
13 I further certify that I am neither
14 financially interested in the action nor a relative or
15 employee of any attorney of any of the parties.
16 IN WITNESS WHEREOF, I have this date
17 subscribed my name.
18
19 Dated: _____
20
21
22
23
24 SUZANNE F. BOSCHETTI
25 CSR No. 5111

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33 (Pages 129 to 132)