Page 1 of 4

Filed 10/27/2006

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	1 APPEARANCES: 2
THE BOARD OF THE TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY,	3 For Plaintiff and Counterclaim Defendants The Board of the Trustees of the Leland Stanford Junior University,
Plaintiff, vs. No. C-05-04158 MHP	4 et al.: 5 COOLEY GODWARD LLP
ROCHE MOLECULAR SYSTEMS, INC.;	BY: BENJAMIN G. DAMSTEDT
Roche Diagnostics CORPORATION; Roche Diagnostics OPERATIONS,	6 Attorney at Law
INC.; ROCHE DIAGNOSTIC SYSTEMS, INC.,	Five Palo Alto Square, 3000 El Camino Real
Defendant.	7 Palo Alto, California 94306-2155 (650) 857-0663
AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	8
AND RELATED COUNTERCLAIM.	For Defendants and Counterclaimants Roche Molecular  9 Systems, Inc., et al.:
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY VIDEOTAPED DEPOSITION OF WILLIAM GRANT GERBER, M.D.	10 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
San Francisco, California Tuesday, August 15, 2006	BY: JEFFREY N. BOOZELL  11 Attorney at Law
	865 S. Figueroa Street, 10th Floor
Reported by: SUZANNE F. BOSCHETTI	12 Los Angeles, California 90017
CSR No. 5111	(213) 624-7707 13
Job No. 3-50832	Videographer:
	14
	RAY TYLER SARNOFF COURT REPORTERS AND LEGAL TECHNOLOGIES
	San Francisco, California
·	16 (415) 274-9977
	17 18
	19
	20
	21
	22 23
	24
	25
Page 1	Page 3
1 UNITED STATES DISTRICT COURT	1 INDEX
2 NORTHERN DISTRICT OF CALIFORNIA	2 WITNESS: EXAMINATION
3	3 WILLIAM GRANT GERBER, M.D.
4 THE BOARD OF THE TRUSTEES OF	4
THE LELAND STANFORD JUNIOR	WATER AND AND A COMMISSION OF THE COMMISSION OF
5 UNIVERSITY,	BY MR. DAMSTEDT 6
6 Plaintiff,	_
7 vs. No. C-05-04158 MHP 8 ROCHE MOLECULAR SYSTEMS, INC.	
8 ROCHE MOLECULAR SYSTEMS, INC.; Roche Diagnostics CORPORATION;	TAGE
9 Roche Diagnostics OPERATIONS,	8 625 Cetus Corporation 1988 Annual Report, 31
INC.; ROCHE DIAGNOSTIC SYSTEMS,	Bates Nos. RMS 05278 - RMS 05303; 26 pages
10 INC.,	9
11 Defendant.	10
	11
12	12
AND RELATED COUNTERCLAIM.	13
13	14
14	15
15 Confidential videotaped deposition of WILLIAM	16
16 GRANT GERBER, M.D., taken on behalf of Plaintiff and	17
17 Counterclaim Defendants The Board of the Trustees of	18
18 the Leland Stanford Junior University, at 50	19
19 California, 22nd Floor, San Francisco, California,	20
20 beginning at 9:03 a.m. and ending at 12:15 p.m. on	21
21 Thursday, August 10, 2006, before SUZANNE F.	
	22
22 BOSCHETTI, Certified Shorthand Reporter No. 5111.	33
23	23
23 24	24
23	Į.

1 (Pages 1 to 4)

## HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

11.40.55   1   document, so I can't sunser the question.     11.45.07   1   singled out.				
11.40.150   2   BY MR, DAMSTEDT:   11.45.113   2   Q. Looking through section 2.1, it goes from 11.41.106   4   RMS 6333 to RMS 6335. Is there any provision in 11.41.115   that section that you understood at the time the 11.41.125   7   that section that you understood at the time the 11.41.125   7   the specific sectis issed in the specific schedules?   MR, BOOZELL: It's vague and ambiguous, calls 11.45.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules?   MR, BOOZELL: It's vague and ambiguous and section 11.41.131   schedules are being sold by Cetus and bought by 11.46.131   schedules; was that are being sold by Cetus and bought by 11.46.131   schedules; was that whe being unserted under section 2.1 in control 11.42.162   schedules; was that your understanding at 11.42.132   schedules; was that your understanding at 11.42.133   schedules; was that your understanding at 11.42.134   schedules; was that your understanding at 11.42.135   schedules; was that your understanding at 11.42.130   schedules; was that your understanding at 11.42.130   schedules; was that your understanding at 11.42.130   schedules; was that your unders	11:40:51 1	document, so I can't answer the question.	11:45:07 1	singled out.
11.41.15 that section that you understood at the time the 11.45.13 4 gereement was signed that would provide to Roche an 11.41.25 7 entitlement to PCR technology generally as compared 11.41.32 9 rochespectific assess listed of the specific sassest listed of the specific decrain 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 11.41.32 1 1 11.41.32 1 1 11.41.32 1 1 11.41.32 1 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 2 1 11.42.32 3 2 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.32 3 1 11.42.33 3 1 11.42.33 3 1 11.43.33 5 1 11.43.33 6 7 R BOOZELL: Vague.   MR. BOOZELL: Vague.  Page 93   MR. BOOZELL: Vague.  11.42.33 1 1.42.34 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	11:40:51 2		11:45:08 2	Q. And what was your understanding as to why
11.41.15   5   that section that you understood at the time the agreement was signed that would provide to Roche an 11.41.15   5   that section that you understood at the time the agreement was signed that would provide to Roche an 11.41.15   5   that section that you understood at the time the agreement was signed that would provide to Roche an 11.41.15   7   the section of the specific sesses listed in the specific sesses listed or the specific ses	11:40:59 3	O. Looking through section 2.1, it goes from	11:45:11 3	you were on that list?
11.41.15 6   agreement was signed that would provide to Roche and 11.45.23 6   thickness that or be specific assets listed in the specific assets listed below. It is missed in 21.46.37 11 in 14.15.14   assets that are being sold by Cetus and bought by 11.44.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.1	11:41:06 4	RMS 6333 to RMS 6335. Is there any provision in	11:45:13 4	MR. BOOZELL: Calls for a legal conclusion.
11.41.15 6   agreement was signed that would provide to Roche and 11.45.23 6   thickness that or be specific assets listed in the specific assets listed below. It is missed in 21.46.37 11 in 14.15.14   assets that are being sold by Cetus and bought by 11.44.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.15.15   Roche. And again, with no memory or review of this 11.42.1	11:41:11 5		11:45:15 5	Calls for speculation.
11.41.28   8   checkeds   check	11:41:15 6		11:45:23 6	THE WITNESS: I can't I can't speculate as
11.41.28   8   to the specific assets listed in the specific   11.45.45   8   BY MR. DAMSTEDT:   11.45.13   13.141.33   13.1	11:41:25 7	entitlement to PCR technology generally as compared	11:45:45 7	to why Roche put me on that list.
11.41:32 10   MR. BOOZELL: It's vague and ambiguous. alls for a legal conclusion and it's misteading.	11:41:28 8		11:45:45 8	BY MR. DAMSTEDT:
11:41:46 12	11:41:31 9	schedules?	11:45:57 9	Q. All right. Turning to page RMS 6444, what
11:41:46 12 11:41:48 13 11:42:10 16 11:42:10 16 11:42:10 17 11:42:10 18 11:42:10 18 11:42:10 20 11:42:21 22 11:42:23 23 11:42:23 23 11:42:23 23 11:42:23 23 11:42:23 23 11:42:23 24 11:42:30 25 11:42:30 25 11:42:30 1 11:42:30 1 11:42:30 1 11:42:31 3 11:42:31 3 11:42:31 3 11:42:31 3 11:42:31 3 11:42:31 3 11:42:32 3 11:42:33 3 11:42:33 3 11:42:33 3 11:42:33 4	11:41:32 10	MR. BOOZELL: It's vague and ambiguous, calls	11:46:18 10	is I want to go from RMS 6444 to RMS 6465. What
11:41:48   13   Previous testimory. Section 2.1 specified certain   11:41:51   14   13:41:51   15   15   15   15   15   15   15	11:41:34 11	for a legal conclusion and it's misleading.	11:46:37 11	is that?
11:41:51 14   assets that are being sold by Cetus and bought by   11:41:55 15   fochs. And again, with no memory or review of this   11:42:05 17   seller is selling and buyer is buying only the assets   11:42:05 17   seller is selling and buyer is buying only the assets   11:42:05 17   seller is selling and buyer is buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets listed below. It simply indicates that they are buying and selling the assets blisted below. It simply indicates that they are buying and selling the assets blisted blow. It simply indicates that they are buying and selling the assets blisted blow. It simply indicates that they are buying and selling the assets blisted blow. It simply indicates that they are buying and selling the assets blisted blow. It simply indicates that they are buying and selling the assets blisted blow. It simply indicates that they are buying and selling the selling the assets that are listed selling the assets that are l	11:41:46 12	THE WITNESS: I think I'd go back to my	11:46:40 12	MR. BOOZELL: It's vague and ambiguous.
11: 41: 55 15 Roche. And again, with no memory or review of this 11: 42: 01 16 document, it does not, however, say that buyer—11: 42: 01 16 document, it does not, however, say that buyer—11: 42: 05 17 seller is selling and buyer is buying only the assets 11: 42: 09 18 listed below. It simply indicates that they are 11: 42: 13 19 buying and selling the assets listed below. 11: 47: 11 19 BY MR. DAMSTEDT: 11: 42: 13 19 buying and selling the assets listed below. 11: 47: 11 20 BY MR. DAMSTEDT: 1	11:41:48 13	previous testimony. Section 2.1 specified certain	11:46:44 13	THE WITNESS: This appears to be schedule
11:42:01 16   document, it does not, however, say that buyer	11:41:51 14	assets that are being sold by Cetus and bought by	11:46:46 14	2.1(c), which lists the transferred intellectual
11: 42: 05 17   seller is selling and buyer is buying only the assets   11: 42: 05 17   seller is selling and buyer is buying only the assets   11: 42: 05 18   listed below. It simply indicates that they are   11: 42: 13 19   buying and selling the assets listed below.   11: 47: 11 20   BY MR. DAMSTEDT:   11: 47: 11 20   BY MR. DAMSTEDT:   11: 47: 11 20   BY MR. DAMSTEDT:   11: 47: 12 21   that are being transferred under section 2.1 are   11: 47: 12 22   the assets that are listed in section 2.1 or on the   11: 47: 12 22   the assets that are listed in section 2.1 or on the   11: 47: 12 23   the target is seller in section 2.1 or on the   11: 47: 12 23   the assets that are listed in section 2.1 or on the   11: 47: 20 25   which is a says "Invention Disclosures." It says: "Note: Seller generally seeks patent   protection for invention disclosures rated 1,   2 or 3. As patent applications are filed,   2 or 3. As patent applications	11:41:55 15	Roche. And again, with no memory or review of this	11:46:51 15	property from Cetus to Roche.
11: 42: 09 18   listed below. It simply indicates that they are bring and selling the assets listed below.   11: 42: 13 19   brying and selling the assets listed below.   11: 47: 11 19   THE WITNESS: Excuse me.   11: 47: 11 19   THE WITNESS: Excuse me.   11: 47: 13 21   Disclosures." It says: "Note: Seller generally seeks patent related schedules; was that your understanding at the time?   11: 42: 23 23   THE WITNESS: Idon't have an understanding at 11: 42: 30 25   THE WITNESS: Idon't have an understanding at 11: 42: 33 2   THE WITNESS: Idon't have an understanding at 11: 42: 33 4   MR. BOOZELL: And it's vague and ambiguous and calls for a legal conclusion. It's asked and answered many times.   11: 47: 32 1   THE WITNESS: The says:   11: 47: 37 7   Do you see that?   11: 47: 37 7   Q. Up at the top it says "Invention   11: 47: 18 24   Disclosures." It says: "Note: Seller generally seeks patent protection for invention disclosures rated 1,   2 or 3. As patent applications are filed,   Page 95   Page	11:42:01 16	document, it does not, however, say that buyer	11:46:51 16	BY MR. DAMSTEDT:
11: 42:13 19 buying and selling the assets listed below. 11: 42:16 20	11:42:05 17	seller is selling and buyer is buying only the assets	11:46:54 17	Q. And on page 6456, if you would turn there.
11: 42:16 20 BY MR. DAMSTEDT:  11: 42:16 21 Q. But as to section 2.1, the only assets that are being transferred under section 2.1 are the assets that are listed in section 2.1 or on the related schedules; was that your understanding at the time?  Page 93  11: 42:30 25  11: 42:30 1  11: 42:30 1  11: 42:30 2  11: 42:30 1  11: 42:30 2  11: 42:30 3  11: 42:31 3  11: 42:33 4  11: 42:33 4  11: 42:33 5  11: 42:33 5  11: 42:33 6  11: 42:31 6  11: 42:31 6  11: 42:31 6  11: 42:31 6  11: 42:31 7  11: 42:31 6  11: 43:23 7  11: 43:33 16  11: 43:21 11  11: 43:21 11  11: 43:21 11  11: 43:21 11  11: 43:32 11  11: 43:33 14  11: 43:33 14  11: 43:33 15  11	11:42:09 18	listed below. It simply indicates that they are	11:47:09 18	(Telephonic interruption.)
11: 42: 16 21 Q. But as to section 2.1, the only assets the assets that are being transferred under section 2.1 are related schedules; was that your understanding at the time?  Page 93  11: 42: 23 23  11: 42: 30 1  11: 42: 30 2  11: 42: 30 2  11: 42: 30 3  11: 42: 30 3  11: 42: 30 3  11: 42: 30 4  MR. BOOZELL: Vague.  THE WITNESS: Idon't have an understanding of my memory at the time.  Page 95  11: 42: 31 3  MR. BOOZELL: And it's vague and ambiguous and calls for a legal conclusion. It's asked and sil. 42: 37 6  11: 42: 37 6  11: 42: 37 7  BY MR. DAMSTEDT:  Q. So page 6399. Provision 13.16(b), which sil. 43: 20 1  11: 43: 20 1  11: 43: 20 1  11: 43: 20 1  A. Yes.  11: 47: 52 1  1	11:42:13 19	buying and selling the assets listed below.	11:47:11 19	THE WITNESS: Excuse me.
11: 42: 20 22 that are being transferred under section 2.1 are 11: 42: 23 23 the assets that are listed in section 2.1 or on the related schedules; was that your understanding at 11: 47: 18 24 the time?  Page 93  11: 42: 30 25  11: 42: 30 25  11: 42: 30 25  11: 42: 30 3 1  MR. BOOZELL: Vague.  THE WITNESS: I don't have an understanding at 11: 47: 22 1 these disclosures shall be deemed to be listed under subsection (1)."  Do you see that?  11: 47: 25 2 1 these disclosures shall be deemed to be listed under subsection (1)."  Do you see that?  11: 42: 33 4 MR. BOOZELL: And it's vague and ambiguous and calls for a legal conclusion. It's asked and answered many times.  11: 42: 37 7 BYMR. DAMSTEDT:  Q. So page 6399. Provision 13.16(b), which 11: 47: 37 7 Q. Did Joy uhave an involvement with the 11: 47: 42 8 pattern related to the PCR division while you were	11:42:16 20	BY MR. DAMSTEDT:	11:47:11 20	BY MR. DAMSTEDT:
11: 42: 23 23 the assets that are listed in section 2.1 or on the related schedules; was that your understanding at the time?    11: 42: 30 2	11:42:16 21	Q. But as to section 2.1, the only assets	11:47:13 21	Q. Up at the top it says "Invention
11: 42: 27 24 related schedules; was that your understanding at the time?  Page 93  MR. BOOZELL: Vague.  THE WITNESS: I don't have an understanding of my memory at the time.  Page 95  11: 42: 30 1 MR. BOOZELL: Vague.  THE WITNESS: I don't have an understanding of my memory at the time.  11: 42: 31 3 of my memory at the time.  11: 47: 32 2 listed under subsection (1)."  11: 47: 35 5 and calls for a legal conclusion. It's asked and answered many times.  11: 42: 37 7 BY MR. DAMSTEDT:  11: 43: 37 7 BY MR. DAMSTEDT:  11: 43: 21 1 A. Yes.  11: 47: 35 6 A. Yes.  Q. Did I read it correctly?  11: 47: 36 6 A. Yes.  Q. Did J wou have an involvement with the patent related to the PCR division while you were — while you were the vice president or senior vice president and general manager over the PCR division?  11: 43: 32 11 A. Yes.  11: 47: 52 11 THE WITNESS: Where might that be?  11: 43: 53 20 BY MR. DAMSTEDT:  11: 43: 52 20 A. Thanks.  11: 48: 10 20 BY MR. BOOZELL: Section 13.16(b) refers to employees of 11: 48: 10 23 believe, monthly meetings where we reviewed invention disclosures rated 1, 11: 47: 20 2 2 or 3. As patent applications are filed, page 59  11: 47: 20 2	11:42:20 22	that are being transferred under section 2.1 are	11:47:14 22	Disclosures." It says:
11: 42: 30 25 the time?    11: 42: 30 1	11:42:23 23		11:47:16 23	"Note: Seller generally seeks patent
Page 93   Page 95   Page	11:42:27 24	related schedules; was that your understanding at	11:47:18 24	protection for invention disclosures rated 1,
11: 42: 30 1	11:42:30 25	the time?	11:47:20 25	2 or 3. As patent applications are filed,
11:42:30 2 THE WITNESS: I don't have an understanding 11:42:31 3 of my memory at the time.  11:42:33 4 MR. BOOZELL: And it's vague and ambiguous 11:47:35 5 and calls for a legal conclusion. It's asked and 11:47:35 5 11:47:36 6 A. Yes.  11:42:37 7 BY MR. DAMSTEDT: 11:47:37 7 Q. Did J read it correctly?  11:43:16 9 13.16 is labeled "Noncompetition." Do you see 11:47:46 9 were while you were the vice president or senior vice president and general manager over the PCR division?  11:43:21 11 A. Yes. 11:47:52 11 division?  11:43:22 12 Q. Were you one of the employees that was 11:43:32 13 designated in schedule 13.16(b) as not able to 11:43:39 16 for a legal conclusion.  11:43:39 16 for a legal conclusion. If you need to look at schedule 13.16(b) to answer the question, go ahead and do that. 11:43:41 19 THE WITNESS: Where might that be? 11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus? 11:48:01 16 Q. Yes. Did you have involvement? 11:48:10 19 THE WITNESS: Where might that be? 11:48:10 19 THE WITNESS: Where might that be? 11:48:10 20 BY MR. DAMSTEDT: 11:48:10 20		Page 93		Page 95
11:42:30 2 THE WITNESS: I don't have an understanding 11:42:31 3 of my memory at the time.  11:42:33 4 MR. BOOZELL: And it's vague and ambiguous 11:47:35 5 and calls for a legal conclusion. It's asked and 11:47:35 5 11:47:36 6 A. Yes.  11:42:37 7 BY MR. DAMSTEDT: 11:47:37 7 Q. Did J read it correctly?  11:43:16 9 13.16 is labeled "Noncompetition." Do you see 11:47:46 9 were while you were the vice president or senior vice president and general manager over the PCR division?  11:43:21 11 A. Yes. 11:47:52 11 division?  11:43:22 12 Q. Were you one of the employees that was 11:43:32 13 designated in schedule 13.16(b) as not able to 11:43:39 16 for a legal conclusion.  11:43:39 16 for a legal conclusion. If you need to look at schedule 13.16(b) to answer the question, go ahead and do that. 11:43:41 19 THE WITNESS: Where might that be? 11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus? 11:48:01 16 Q. Yes. Did you have involvement? 11:48:10 19 THE WITNESS: Where might that be? 11:48:10 19 THE WITNESS: Where might that be? 11:48:10 20 BY MR. DAMSTEDT: 11:48:10 20	11.42.30 1	MD BOOTELL Vanue	11.47.22 1	these disclosures shall be deemed to be
11:42:31 3 of my memory at the time.  11:42:33 4 MR. BOOZELL: And it's vague and ambiguous and calls for a legal conclusion. It's asked and 11:42:35 5 answered many times.  11:42:37 6 answered many times.  11:47:36 6 A. Yes.  11:47:37 7 BY MR. DAMSTEDT:  11:43:26 9 13.16 is labeled "Noncompetition." Do you see 11:47:46 9 were while you were the vice president or senior 11:43:20 10 13.16(b)?  11:43:21 11 A. Yes.  11:43:22 12 Q. Were you one of the employees that was 11:47:53 12 designated in schedule 13.16(b) as not able to 11:43:33 14 compete with Roche after the signing of this deal?  11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:53 20 BY MR. DAMSTEDT:  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:45:12 3 Section 13.16(b) refers to employees of 11:48:18 23 believe, monthly meetings where we reviewed invention 11:48:27 24 disclosures and reviewed the patent prosecution	1	_		
11:42:33 4 MR. BOOZELL: And it's vague and ambiguous 11:42:35 5 and calls for a legal conclusion. It's asked and 11:42:37 6 answered many times. 11:42:37 7 BY MR. DAMSTEDT: 11:42:51 8 Q. So page 6399. Provision 13.16(b), which 11:43:16 9 13.16 is labeled "Noncompetition." Do you see 11:43:20 10 13.16(b)? 11:43:21 11 A. Yes. 11:47:52 11 11:43:32 12 Q. Were you one of the employees that was 11:43:33 14 compete with Roche after the signing of this deal? 11:43:33 15 MR. BOOZELL: It's vague and ambiguous, calls 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:41 18 answered many times. 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:43:52 23 Section 13.16(b) refers to employees of 11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 seller listed in schedule 13.16(b), and my name  11:44:58 24  A. Yes.  Q. Did I read it correctly? A. Yes. Q. Did Jou have an involvement with the patent related to the PCR division while you were while you were the vice president or senior vice president and general manager over the PCR division? 11:47:52 11 division? 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:47:57 13 THE WITNESS: I'm sorry, did I have could you repeat the question? 11:48:01 15 BY MR. DAMSTEDT: 11:48:01 15 Q. Yes. Did you have involvement with the patent related to the PCR division while you were at Cetus? 11:47:52 11 division? 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:48:01 15 BY MR. DAMSTEDT: 11:48:01 15 WY MR. DAMSTEDT: 11:48:01 16 Q. Yes. Did you have involvement with the patent related to the PCR division while you were at Cetus? 11:48:01 15 Q. Yes. Did you repeat the question? 11:48:01 16 Q. Yes. Did you have involvement with the patent related to the PCR division. 11:48:01 15 WR. BOOZELL: Vague and ambiguous. 11:48:01 15 WR. BOOZELL: Vague and ambiguous. 11:48:01 16 Q. Yes. Did you repeat the question? 11:48:01 16 Q. Yes. Did you have in involvement with the patent related to the PCR division. 11:48:01 16		_	1	• •
11:42:35 5 and calls for a legal conclusion. It's asked and 11:42:37 6 answered many times. 11:42:37 7 BY MR. DAMSTEDT: 11:42:51 8 Q. So page 6399. Provision 13.16(b), which 11:43:16 9 13.16 is labeled "Noncompetition." Do you see 11:43:20 10 13.16(b)? 11:43:21 11 A. Yes. Q. Were you one of the employees that was 11:47:52 11 designated in schedule 13.16(b) as not able to 11:43:33 14 compete with Roche after the signing of this deal? 11:43:39 16 for a legal conclusion. 11:43:40 17 11:43:40 17 11:43:41 18 11:47:35 5 Q. Did I read it correctly?  11:47:37 7 Q. Did you have an involvement with the 11:47:42 8 patent related to the PCR division while you 11:47:46 9 were while you were the vice president or senior 11:47:50 10 vice president and general manager over the PCR 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:48:01 15 BY MR. DAMSTEDT: 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have an involvement with the 11:47:36 6 A. Yes.  Q. Did Jou have an involvement with the 11:47:42 8 patent related to the PCR division while you 11:47:45 9 were while you were the vice president or senior 11:47:52 11 division.  MR. BOOZELL: Vague and ambiguous. 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:48:00 14 you repeat the question? 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:01 10 Q. Yes. Did you have involvement with the 11:48:01 10 Q. Yes. Did you have involvement with the 11:48:01 10 Q.			1	•
11:42:37 6 answered many times.  11:42:37 7 BY MR. DAMSTEDT:  11:42:51 8 Q. So page 6399. Provision 13.16(b), which  11:43:16 9 13.16 is labeled "Noncompetition." Do you see  11:43:20 10 13.16(b)?  11:43:21 11 A. Yes.  11:43:22 12 Q. Were you one of the employees that was designated in schedule 13.16(b) as not able to compete with Roche after the signing of this deal?  11:43:33 14 Compete with Roche after the signing of this deal?  11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:41 18 answer the question, go ahead and do that.  11:43:43 19 THE WITNESS: Where might that be?  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:43:54 22 A. Thanks.  11:44:51 23 Section 13.16(b) refers to employees of seller listed in schedule 13.16(b), and my name  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:48:27 24 d. A. Yes.  11:47:42 8 patent related to the PCR division while you were while you were the vice president or senior vice president and general manager over the PCR division?  11:47:50 10 vice president and general manager over the PCR division?  11:47:53 12 MR. BOOZELL: Vague and ambiguous.  11:47:53 12 MR. BOOZELL: Vague and ambiguous.  11:47:57 13 THE WITNESS: I'm sorry, did I have could you repeat the question?  11:48:01 15 BY MR. DAMSTEDT:  11:48:01 15 BY MR. DAMSTEDT:  11:48:04 17 patent process while you were at Cetus?  11:48:04 17 patent process while you were at Cetus?  11:48:09 18 MR. BOOZELL: Same objections.  11:48:10 19 THE WITNESS: Yes, I did.  11:48:10 19 THE WITNESS: Yes, I did.  11:48:11 22 Q. What was your involvement?  11:48:12 21 Q. What was your involvement?  11:48:18 23 believe, monthly meetings where we reviewed invention disclosures and reviewed the patent prosecution			1	
11:42:37 7 BY MR. DAMSTEDT: 11:43:16 9		<del>-</del> -	11:47:36 6	•
11: 42: 51 8 Q. So page 6399. Provision 13.16(b), which 11: 43: 16 9 13.16 is labeled "Noncompetition." Do you see 11: 43: 20 10 13.16(b)? 11: 43: 21 11 A. Yes. 11: 43: 22 12 Q. Were you one of the employees that was 11: 43: 27 13 designated in schedule 13.16(b) as not able to 11: 43: 33 14 compete with Roche after the signing of this deal? 11: 43: 33 15 MR. BOOZELL: It's vague and ambiguous, calls 11: 43: 40 17 If you need to look at schedule 13.16(b) to 11: 43: 44 18 answer the question, go ahead and do that. 11: 43: 44 19 THE WITNESS: Where might that be? 11: 43: 53 20 BY MR. DAMSTEDT: 11: 43: 53 21 Q. Page 6613. 11: 44: 51 23 Section 13.16(b) refers to employees of 11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 58 24 seller listed in schedule 13.16(b), and my name  11: 44: 42 8 patent related to the PCR division while you were the vice president or senior vice president or senior vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 47: 50 10 vice president and general manager over the PCR  11: 4			11:47:37 7	
11:43:16 9 13.16 is labeled "Noncompetition." Do you see 11:43:20 10 13.16(b)? 11:43:21 11 A. Yes. 11:43:22 12 Q. Were you one of the employees that was 11:43:27 13 designated in schedule 13.16(b) as not able to 11:43:33 14 compete with Roche after the signing of this deal? 11:43:39 16 for a legal conclusion. 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:44 18 answer the question, go ahead and do that. 11:43:47 19 THE WITNESS: Where might that be? 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 seller listed in schedule 13.16(b), and my name  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:47:50 10 vice president and general manager over the PCR 11:47:50 10 vice president and general manager over the PCR 11:47:50 11 idivision? 11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:47:57 13 THE WITNESS: I'm sorry, did I have could 11:48:00 14 you repeat the question? 11:48:01 15 BY MR. DAMSTEDT: 11:48:01 16 Q. Yes. Did you have involvement with the 11:48:04 17 patent process while you were at Cetus? 11:48:01 15 MR. BOOZELL: Same objections. 11:48:10 19 THE WITNESS: Yes, I did. 11:48:10 19 BY MR. DAMSTEDT: 11:48:10 20 BY MR. DAMSTEDT: 11:48:10 20 BY MR. DAMSTEDT: 11:48:11 21 Q. What was your involvement? 11:48:12 21 Q. What was your involvement? 11:48:14:18 23 believe, monthly meetings where we reviewed invention 11:44:58 24 disclosures and reviewed the patent prosecution	1		11:47:42 8	
11:43:20 10 13.16(b)?  11:43:21 11 A. Yes.  Q. Were you one of the employees that was designated in schedule 13.16(b) as not able to compete with Roche after the signing of this deal?  11:43:33 14 compete with Roche after the signing of this deal?  11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to answer the question, go ahead and do that.  11:43:41 19 THE WITNESS: Where might that be?  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:43:56 22 A. Thanks.  Section 13.16(b) refers to employees of seller listed in schedule 13.16(b), and my name  11:44:58 24 vice president and general manager over the PCR division?  11:47:53 12 MR. BOOZELL: Vague and ambiguous.  11:47:57 13 THE WITNESS: I'm sorry, did I have could you repeat the question?  11:48:00 14 you repeat the question?  11:48:01 15 BY MR. DAMSTEDT:  11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus?  11:48:01 15 MR. BOOZELL: Same objections.  11:48:01 19 THE WITNESS: Yes, I did.  11:48:10 19 THE WITNESS: Yes, I did.  11:48:12 21 Q. What was your involvement?  11:48:12 21 Q. What was your involvement?  A. In the PCR division, we had regular, I believe, monthly meetings where we reviewed invention disclosures and reviewed the patent prosecution	1		11:47:46 9	· ·
11:43:21 11 A. Yes.  Q. Were you one of the employees that was  11:43:27 13 designated in schedule 13.16(b) as not able to  11:43:33 14 compete with Roche after the signing of this deal?  11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to  11:43:41 18 answer the question, go ahead and do that.  11:43:43 19 THE WITNESS: Where might that be?  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:43:56 22 A. Thanks.  11:44:51 23 Section 13.16(b) refers to employees of  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:47:53 12 MR. BOOZELL: Vague and ambiguous.  11:47:57 13 THE WITNESS: I'm sorry, did I have could you repeat the question?  11:48:00 14 you repeat the question?  11:48:01 15 BY MR. DAMSTEDT:  11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus?  11:48:01 19 THE WITNESS: Yes, I did.  11:48:10 20 BY MR. DAMSTEDT:  11:48:12 21 Q. What was your involvement?  11:48:12 21 Q. What was your involvement?  11:48:12 21 Delive, monthly meetings where we reviewed invention disclosures and reviewed the patent prosecution		•	•	•
11:43:22 12 Q. Were you one of the employees that was 11:43:27 13 designated in schedule 13.16(b) as not able to 11:43:33 14 compete with Roche after the signing of this deal? 11:43:38 15 MR. BOOZELL: It's vague and ambiguous, calls 11:43:39 16 for a legal conclusion. 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:41 18 answer the question, go ahead and do that. 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:43:56 22 A. Thanks. 11:44:58 24 seller listed in schedule 13.16(b), and my name  11:47:53 12 MR. BOOZELL: Vague and ambiguous. 11:47:57 13 THE WITNESS: I'm sorry, did I have could you repeat the question? 11:48:00 14 you repeat the question? 11:48:01 15 BY MR. DAMSTEDT: 11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus? 11:48:04 17 patent process while you were at Cetus? 11:48:10 19 THE WITNESS: Yes, I did. 11:48:10 20 BY MR. DAMSTEDT: 11:48:12 21 Q. What was your involvement? 11:48:14 22 A. In the PCR division, we had regular, I believe, monthly meetings where we reviewed invention 11:48:27 24 disclosures and reviewed the patent prosecution	i i			
11:43:27 13 designated in schedule 13.16(b) as not able to 11:43:33 14 compete with Roche after the signing of this deal? 11:43:38 15 MR. BOOZELL: It's vague and ambiguous, calls 11:43:39 16 for a legal conclusion. 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:41 18 answer the question, go ahead and do that. 11:43:47 19 THE WITNESS: Where might that be? 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:43:56 22 A. Thanks. 11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 seller listed in schedule 13.16(b), and my name  11:48:01 15 BY MR. DAMSTEDT: 11:48:01 16 Q. Yes. Did you have involvement with the patent process while you were at Cetus? 11:48:01 19 MR. BOOZELL: Same objections. 11:48:10 19 THE WITNESS: Yes, I did. 11:48:12 21 Q. What was your involvement? 11:48:14 22 A. In the PCR division, we had regular, I believe, monthly meetings where we reviewed invention disclosures and reviewed the patent prosecution	1		11:47:53 12	
11:43:33 14 compete with Roche after the signing of this deal?  11:43:38 15 MR. BOOZELL: It's vague and ambiguous, calls  11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to  11:43:44 18 answer the question, go ahead and do that.  11:43:47 19 THE WITNESS: Where might that be?  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:43:56 22 A. Thanks.  11:44:51 23 Section 13.16(b) refers to employees of  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:48:00 14 you repeat the question?  11:48:01 15 BY MR. DAMSTEDT:  11:48:01 16 Q. Yes. Did you have involvement with the  11:48:01 16 PAMSTEDT:  11:48:01 16 Q. Yes. Did you have involvement with the  11:48:01 16 PAMSTEDT:  11:48:10 19 THE WITNESS: Yes, I did.  11:48:10 20 BY MR. DAMSTEDT:  11:48:12 21 Q. What was your involvement?  11:48:18 23 believe, monthly meetings where we reviewed invention  11:48:27 24 disclosures and reviewed the patent prosecution		• •		<del>-</del>
11:43:38 15 MR. BOOZELL: It's vague and ambiguous, calls 11:43:39 16 for a legal conclusion. 11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:44 18 answer the question, go ahead and do that. 11:43:47 19 THE WITNESS: Where might that be? 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:43:56 22 A. Thanks. 11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 Selfer listed in schedule 13.16(b), and my name  11:48:01 15 BY MR. DAMSTEDT: Q. Yes. Did you have involvement with the patent process while you were at Cetus?  11:48:01 16 MR. BOOZELL: Same objections. 11:48:10 19 THE WITNESS: Yes, I did. 11:48:10 20 BY MR. DAMSTEDT: Q. What was your involvement? A. In the PCR division, we had regular, I believe, monthly meetings where we reviewed invention disclosures and reviewed the patent prosecution	1	•		•
11:43:39 16 for a legal conclusion.  11:43:40 17 If you need to look at schedule 13.16(b) to  11:43:44 18 answer the question, go ahead and do that.  11:43:47 19 THE WITNESS: Where might that be?  11:43:53 20 BY MR. DAMSTEDT:  11:43:53 21 Q. Page 6613.  11:43:56 22 A. Thanks.  11:44:51 23 Section 13.16(b) refers to employees of  11:44:58 24 seller listed in schedule 13.16(b), and my name  11:48:01 16 Q. Yes. Did you have involvement with the  11:48:04 17 patent process while you were at Cetus?  11:48:08 18 MR. BOOZELL: Same objections.  11:48:10 19 THE WITNESS: Yes, I did.  11:48:10 20 BY MR. DAMSTEDT:  11:48:12 21 Q. What was your involvement?  11:48:14 22 A. In the PCR division, we had regular, I  11:48:18 23 believe, monthly meetings where we reviewed invention  11:48:27 24 disclosures and reviewed the patent prosecution	1			• •
11:43:40 17 If you need to look at schedule 13.16(b) to 11:43:44 18 answer the question, go ahead and do that. 11:43:47 19 THE WITNESS: Where might that be? 11:43:53 20 BY MR. DAMSTEDT: 11:43:53 21 Q. Page 6613. 11:43:56 22 A. Thanks. 11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 seller listed in schedule 13.16(b), and my name  11:48:04 17 patent process while you were at Cetus?  11:48:08 18 MR. BOOZELL: Same objections.  11:48:10 19 THE WITNESS: Yes, I did.  11:48:10 20 BY MR. DAMSTEDT: 11:48:12 21 Q. What was your involvement? 11:48:14 22 A. In the PCR division, we had regular, I 11:48:18 23 believe, monthly meetings where we reviewed invention 11:48:27 24 disclosures and reviewed the patent prosecution	i		11:48:01 16	
11:43:44 18       answer the question, go ahead and do that.       11:48:08 18       MR. BOOZELL: Same objections.         11:43:47 19       THE WITNESS: Where might that be?       11:48:10 19       THE WITNESS: Yes, I did.         11:43:53 20       BY MR. DAMSTEDT:       11:48:10 20       BY MR. DAMSTEDT:         11:43:53 21       Q. Page 6613.       11:48:12 21       Q. What was your involvement?         11:43:56 22       A. Thanks.       11:48:14 22       A. In the PCR division, we had regular, I         11:44:51 23       Section 13.16(b) refers to employees of       11:48:18 23       believe, monthly meetings where we reviewed invention         11:44:58 24       seller listed in schedule 13.16(b), and my name       11:48:27 24       disclosures and reviewed the patent prosecution	1	_		· · · · · · · · · · · · · · · · · · ·
11:43:47 19       THE WITNESS: Where might that be?       11:48:10 19       THE WITNESS: Yes, I did.         11:43:53 20       BY MR. DAMSTEDT:       11:48:10 20       BY MR. DAMSTEDT:         11:43:53 21       Q. Page 6613.       11:48:12 21       Q. What was your involvement?         11:43:56 22       A. Thanks.       11:48:14 22       A. In the PCR division, we had regular, I         11:44:51 23       Section 13.16(b) refers to employees of       11:48:18 23       believe, monthly meetings where we reviewed invention         11:44:58 24       seller listed in schedule 13.16(b), and my name       11:48:27 24       disclosures and reviewed the patent prosecution	1	-	11:48:08 18	
11:43:53 20       BY MR. DAMSTEDT:       11:48:10 20       BY MR. DAMSTEDT:         11:43:53 21       Q. Page 6613.       11:48:12 21       Q. What was your involvement?         11:43:56 22       A. Thanks.       11:48:14 22       A. In the PCR division, we had regular, I         11:44:51 23       Section 13.16(b) refers to employees of       11:48:18 23       believe, monthly meetings where we reviewed invention         11:44:58 24       seller listed in schedule 13.16(b), and my name       11:48:27 24       disclosures and reviewed the patent prosecution	I	•		
11:43:53 21       Q. Page 6613.       11:48:12 21       Q. What was your involvement?         11:43:56 22       A. Thanks.       11:48:14 22       A. In the PCR division, we had regular, I         11:44:51 23       Section I3.16(b) refers to employees of       11:48:18 23       believe, monthly meetings where we reviewed invention         11:44:58 24       seller listed in schedule I3.16(b), and my name       11:48:27 24       disclosures and reviewed the patent prosecution		_	11:48:10 20	
11:43:56 22 A. Thanks.  11:44:51 23 Section 13.16(b) refers to employees of 11:44:58 24 Seller listed in schedule 13.16(b), and my name  11:48:14 22 A. In the PCR division, we had regular, I 11:48:18 23 believe, monthly meetings where we reviewed invention 11:48:27 24 disclosures and reviewed the patent prosecution	i		11:48:12 21	
11:44:51 23 Section 13.16(b) refers to employees of 11:48:18 23 believe, monthly meetings where we reviewed invention 11:44:58 24 seller listed in schedule 13.16(b), and my name 11:48:27 24 disclosures and reviewed the patent prosecution				
11:44:58 24 seller listed in schedule 13.16(b), and my name 11:48:27 24 disclosures and reviewed the patent prosecution				-
	I	Section 13.16(b) refers to employees of	11:48:18 23	believe, monthly meetings where we reviewed invention
	11:44:51 23			
Page 94 Page 96	11:44:51 23 11:44:58 24	seller listed in schedule 13.16(b), and my name	11:48:27 24	disclosures and reviewed the patent prosecution

## HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

11:50:16 1 protecting our invention and asserting potential 11:50:20 2 intervention on our patents against others, and about 11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention. 11:50:27 5 BY MR. DAMSTEDT: 11:50:32 6 Q. Was one of the factors that you considered 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:42 9 patents or patent applications? 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:45 13 understanding a typo? It should be 2.1(d)? 11:54:34 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo. 11:50:45 10 Patents or patent applications? 11:50:45 11 Incomplete hypothetical. 11:50:45 11 Do you see that? 11:50:51 15 Methods against others, and about the commercial potential for the patent for the patent for the process or the invention. 11:54:34 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo. 11:55:01 9 Q. On page RMS 6475, up at the top it says 11:55:01 1 "(Confidentiality Agreements Only)." 11:55:15 11 To you see that? 11:50:45 12 Do you see that? 11:50:45 15 A. Yes. 11:55:16 15 A. Yes. 11:55:16 16 Q. What is your understanding of what a				
11:48:54 2 Interest of the would pursue a pattent or pursue issuance of that patent in Europe, for instance. And that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was a group of about, I think, five or six of us that was one or the that group?  11:49:08 9 A. I'm quite certain that Kevin Kaster and John 11:49:13 10 Sinissky were in that group. J seem to remember Henry 11:49:13 10 Electric was in that group and John Raymond may have been in that group. 11:49:24 12 O, And what were factors that — that you and the other committee members considered in deciding the other committee members considered whether considered were the commercial value of the invention, whether or not it could be important in creeting these series of fences that we hoped we had around the technology, such that if the outer defense fell, we'd have an specific recollection of that discussion or a discussion of a discussi	11:48:41 1	prioritized them in terms of their importance and	11:51:15	vague and ambiguous and it's an incomplete
11:48:53 3 issuance of that patent in Europe, for instance, And 11:48:57 1 is a summer of that patent in Europe, for instance, And 11:49:01 5 that met on a – as I said, I believe on a monthly 11:49:05 6 Q. Who was in that group? 11:49:08 8 A. I'm quite certain that Kevin Kaster and John 11:49:13 9 Sninsky were in that group? 11:49:13 9 Sninsky were in that group. I seem to remember Henry Ehrlich was in that group and John Raymond may have been in that group. I seem to remember Henry Ehrlich was in that group and John Raymond may have been in that group. 11:49:27 13 the other committee members considered in deciding 11:49:33 14 M. R. BOOZELL: Fix space and ambiguous. It's 11:49:35 16 11:49:39 17 THE WITNESS. Some of the factors that we considered were the commercial value of the invention, whether or not it could be important in erecting these series or not it could be important in erecting these series or not it could be important in erecting these series or ferieses that we hoped we had around the technology, 11:50:02 2 Int. 50:02 2 Int. 50:03 2 6 Could be important in erecting these series or not it could be important in erecting these series or not it could be important in erecting these series or not it could be important in erecting these series 11:50:02 2 Int. 50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be important in erecting these series 11:50:03 2 6 Could be	11:48:45 2			- 8-0 and amorgaous and it's an incomplete
11: 49: 01 5 that was a group of about, I think, five or six of us that year as I said, I believe on a monthly sharis to have those discussions.  11: 49: 01 7	11:48:53 3		1	of position, and it may can for attorney-enem
11:49:05 6 11:49:06 8 11:49:08 8 11:49:18 10 11:49:18 10 11:49:21 31 11:49:21 31 11:49:23 11 11:49:24 12 11:49:27 13 11:49:27 13 11:49:28 13 11:49:28 13 11:49:28 13 11:49:29 13 11:49:28 13 11:49:29 13 11:49:30 16 11:49:30	11:48:57 4		l l	1 0
11: 49: 05 6 11: 49: 07 7 Q. Who was in that group? 11: 49: 13 9 11: 49: 13 19 11: 49: 13 19 11: 49: 23 11 11: 49: 23 12 11: 49: 23 12 11: 49: 23 13 11: 49: 23 13 11: 49: 23 15 11: 49: 23 15 11: 49: 23 15 11: 49: 23 15 11: 49: 23 15 11: 49: 23 15 11: 49: 23 15 11: 49: 24 11: 49: 24 11: 49: 25 11: 59: 25 11:	11:49:01 5		1	
11:49:08	11:49:05 6			
11:49:13 9 Sninsky were in that group. I seem to remember Henry 11:49:23 11 11:49:23 12 Q. And what were factors that — that you and the cher committee members considered in deciding whether to pursue patent protection? 11:49:31 14 11:49:31 15 11:49:32 15 MR. BOOZELL: It's vague and ambiguous. It's an incomplete hypothetical. 11:49:39 17 11:49:45 19 11:49:45 19 11:49:51 20 11:49:51 20 11:49:51 20 11:49:51 20 11:50:02 22 11:50:06 23 11:50:06 24 11:50:06 25 11:50:06 25 11:50:06 26 11:50:06 27 11:50:06 28 11:50:06 28 11:50:06 29 11:50:06 29 11:50:06 29 11:50:06 29 11:50:06 29 11:50:06 29 11:50:06 29 11:50:06 20 11	11:49:07 7			
11:49:13 9 11:49:13 10 11:49:23 11 11:49:27 13 11:49:28 15 11:49:31 15 11:49:31 15 11:49:31 15 11:49:31 15 11:49:31 17 11:49:31 17 11:49:31 17 11:49:31 18 11:49:31 19 11:49:31 19 11:49:31 17 11:49:31 19 11:59:32 19 11:59:02 22 11:49:31 19 11:59:09 25 11:59:09 26 11:59:09 27 11:50:09 27 11:50:09 28 11:59:09 29 11:50:09 29 11:50:09 29 11:50:09 29 11:50:09 29 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:09 20 11:50:0	11:49:08 8	- ·		
11: 49:24 12 11: 49:28 11 11: 49:28 12 2	11:49:13 9			
11:49:24 12 11:49:24 12 11:49:24 12 11:49:34 13 11:49:31 14 11:49:31 14 11:49:31 15 11:49:33 17 11:49:31 17 11:49:31 17 11:49:31 17 11:49:31 17 11:49:31 18 11:49:31 19 11:50:40 19 11:49:31 19 11:49:31 19 11:50:40 19 11:49:31 19 11:50:40 19 11:50:	11:49:18 10			***************************************
11:49:24 12 Q. And what were factors that — that you and the other committee members considered in deciding the other committee members considered and ambiguous. It's 11:49:34 15 L1:49:34 16 L1:49:35 16 L1:49:35 17 L1:49:45 19 L1:49:51 20 L1:50:02 22 L1:50:02 23 L1:50:02 23 L1:50:02 25 L1:50:09 25 L1:50:09 25 L1:50:09 25 L1:50:03 27 L1:50:23 31 L1:50:24 10 L1:50:27 5 L1:50:27 5 L1:50:29 6 L1:50:32 7 L1:50:32 6 L1:50:34 7 L1:50:34 51 L1:50:35 15 L1:50:34 51 L1:50:35 15 L1:50:34 51 L1:50:35 15 L1:50:34 51 L1:50:35 15	11:49:23 11		1	
11: 49: 27 13 the other committee members considered in deciding whether to pursue patent protection? 11: 49: 31 15 an incomplete hypothetical. 11: 49: 33 15 an incomplete hypothetical. 11: 49: 43 18 considered were the commercial value of the invention; whether 11: 49: 43 19 potential commercial value of the invention; whether 11: 49: 51 20 or not it could be important in erecting these series 11: 50: 02 22 such that if the outer defense fell, we'd have an 11: 50: 08 24 11: 50: 08 24 11: 50: 09 25 or or patent strategy about filings related to 11: 50: 20 2 intervention on our patents against others, and about 11: 50: 27 4 process or the invention. 11: 50: 32 6	11:49:24 12			
11: 49: 34 11 11: 49: 34 13 11: 49: 34 13 11: 49: 35 16 11: 49: 35 16 11: 49: 35 16 11: 49: 34 17 11: 49: 41 18 11: 49: 41 19 11: 49: 45 19 11: 49: 51 20 11: 49: 59 21 11: 50: 02 22 11: 50: 02 23 11: 50: 02 24 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 03 26 11: 50: 03 27 11: 50: 03 27 11: 50: 03 28 11: 50: 03 29 11: 50: 04 10 11: 50: 03 29 11: 50: 04 10 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 29 11: 50: 04 21 11: 50: 04 29 11: 50: 04 20 11	11:49:27 13			
11: 49: 34 15 11: 49: 35 16 11: 49: 35 16 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 17 11: 49: 35 12 11: 50: 20 22 11: 50: 20 25 11: 50: 20 25 11: 50: 20 25 11: 50: 20 25 11: 50: 20 25 11: 50: 20 26 11: 50: 20 26 11: 50: 20 27 11: 50: 20 27 11: 50: 20 28 11: 50: 20 29 11: 50: 20 29 11: 50: 20 20 11	11:49:31 14		1	, , , , , , , , , , , , , , , , , , ,
11: 49: 35 16 11: 49: 35 16 11: 49: 35 16 11: 49: 35 16 11: 49: 35 17 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 49: 35 18 11: 59: 35 19 11: 49: 35 18 11: 59: 35 12 11: 49: 35 12 11: 49: 45 19 11: 49: 55 12 11: 49: 55 12 11: 49: 55 12 11: 50: 02 22 11: 50: 02 23 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 25 11: 50: 02 26 11: 50: 02 27 11: 50: 02 27 11: 50: 02 28 11: 50: 02 29 11: 50: 02 29 11: 50: 02 20 11	11:49:34 15	•		D. Geroer
11: 49: 41 18 11: 49: 41 18 11: 49: 45 19 11: 49: 45 19 11: 49: 45 19 11: 49: 51 20 11: 49: 52 21 11: 50: 02 22 11: 50: 08 24 11: 50: 09 25 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 27 5 11: 50: 28 7 11: 50: 39 8 11: 50: 39 8 11: 50: 34 7 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 45 11 11: 50: 51: 15 11: 51: 51: 15 11: 51: 51: 15 11: 51: 51: 15 11: 51: 51: 51: 15 11: 51: 51: 51: 15 11: 51: 51: 51: 51 11: 51: 51: 51: 51 11: 51: 51: 51: 51 11: 51: 51: 51: 51 11: 51: 51: 51: 51 11: 51: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51: 51: 51 11: 51	11:49:35 16			
11: 49: 41 18 considered were the commercial value of the invention, 11: 49: 45 19 potential commercial value of the invention; whether 11: 49: 51 20 or not it could be important in erecting these series 11: 49: 51 20 or not it could be important in erecting these series 11: 49: 51 20 or not it could be important in erecting these series 11: 50: 02 22 such that if the outer defense fell, we'd have an 11: 50: 06 23 inner defense.  11: 50: 08 24 So it had to do with whether or not it fit our patent strategy about filings related to Page 97  11: 50: 16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11: 50: 22 a the commercial potential for the patent for the 11: 50: 23 a the commercial potential for the patent for the 11: 50: 24 process or the invention.  11: 50: 34 8 18 Asset Purchase Agreement?  11: 53: 48 18 Asset Purchase Agreement?  11: 53: 49 19 MR. BOOZELL: Feel free to finish reviewing it before you answer his question.  11: 53: 59 22 BYMR. DAMSTEDT:  11: 54: 05 23 Q. And I'd like to call your attention to page RMS 6474. It says "Attachment A to Schedule 11: 54: 23 25 DYMR. DAMSTEDT:  11: 50: 23 d. THE WITNESS: It appears to be section 2.1(d).  11: 54: 05 23 Q. And I'd like to call your attention to page RMS 6474. It says "Attachment A to Schedule 11: 54: 08 24 DYMR. DAMSTEDT:  11: 50: 24 process or the invention.  11: 54: 25 1 THE WITNESS: Valapears to be section 2.1(d).  11: 54: 05 23 Understanding a typo? It should be 2.1(d)?  11: 54: 08 24 Understanding a typo? It should be 2.1(d)?  11: 54: 43 4 Understanding a typo? It should be 2.1(d)?  11: 54: 43 4 Understanding a typo? It should be 2.1(d)?  11: 54: 43 4 Understanding a typo? It should be 2.1(d)?  11: 54: 43 5 Understanding a typo? It should be 2.1(d)?  11: 54: 43 5 Understanding a typo? It should be 2.1(d)?  11: 54: 43 6 Understanding a typo? It should be 2.1(d)?  11: 54: 43 6 Understanding a typo? It should be 2.1(d)?  11: 54: 43 6 Understanding a typo? It should be 2.1(d)?  11: 54: 4	I			
11: 49: 45 19 potential commercial value of the invention; whether 11: 49: 51 20 or not it could be important in erecting these series 11: 49: 59 21 of fences that we hoped we had around the technology, 11: 50: 02 22 such that if the outer defense fell, we'd have an 11: 50: 08 24 So it had to do with whether or not it fit 11: 50: 09 25 our patent strategy about filings related to Page 97  11: 50: 16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11: 50: 22 a process or the invention.  11: 50: 27 5 BY MR. DAMSTEDT:  11: 50: 32 6 Q. Was one of the factors that you considered 11: 50: 39 8 Cetus would have a co-ownership right in the 11: 50: 42 9 patents or patent applications?  11: 50: 45 11 Incomplete hypothetical.  11: 50: 45 12 BY MR. DAMSTEDT:  11: 50: 45 12 Incomplete hypothetical.  11: 50: 51: 15 meetings.  11: 50: 51: 15 meetings.  11: 50: 51: 15 meetings.	1		1	
11:49:51 20 or not it could be important in erecting these series of fences that we hoped we had around the technology, 11:50:02 22 11:50:08 24 So it had to do with whether or not it fit our patent strategy about filings related to  Page 97  11:50:16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11:50:23 3 the commercial potential or process or the invention.  11:50:32 6 Q. Was one of the factors that you considered 11:50:32 6 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:45 11 Institute 11:50:51 15 meetings.  11:50:51 16 A. Yeah.  11:50:17 available important in erecting these exciso of fences that we hoped we had around the technology, 11:53:55 21 Institute 11:50:00 of fences that we hoped we had around the technology, 11:50:00 22 Institute 11:50:00 23 Institute 11:50:00 22 Institute 11:5	I			resort aremase regreement:
11: 49: 59 21 of fences that we hoped we had around the technology, 11: 50: 02 22 such that if the outer defense fell, we'd have an inner defense.  11: 50: 08 24 So it had to do with whether or not it fit our patent strategy about filings related to  Page 97  11: 50: 09 25  1	11:49:51 20		į	
such that if the outer defense fell, we'd have an inner defense.  11:50:06 23 inner defense.  11:50:08 24 So it had to do with whether or not it fit our patent strategy about filings related to  Page 97  11:50:16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11:50:20 2 intervention on our patents against others, and about 11:50:27 4 process or the invention.  11:50:27 5 BY MR. DAMSTEDT:  11:50:32 6 Q. And I'd like to call your attention to page RMS 6474. It says "Attachment A to Schedule 11:54:23 25 1.2(d)." Does that is that to your Page 99  11:54:31 2 understanding a typo? It should be 2.1(d)?  11:54:31 2 MR. BOOZELL: Vague and ambiguous. Calls for speculation.  11:54:43 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the patents or patent applications?  11:50:45 10 MR. BOOZELL: Vague and ambiguous.  11:50:45 11 Incomplete hypothetical.  11:55:16 15 A. Yeah.  11:50:17 A. Yes.  Q. What is your understanding of what a	11:49:59 21			is detected your answer mis question.
11:50:06 23 inner defense.  11:50:08 24 So it had to do with whether or not it fit our patent strategy about filings related to  Page 97  Page 97  11:50:16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention.  11:50:39 8 Gets would have a co-ownership right in the 11:50:42 9 patents or patent story and ambiguous.  11:50:41 10 MR. BOOZELL: Vague and ambiguous.  11:50:45 11 Incomplete hypothetical.  11:50:47 13 Q. And Just for the record, I'm talking about 11:50:11 6 A. Yeah.  11:50:51 16 A. Yeah.				
So it had to do with whether or not it fit  11:50:09 25  So it had to do with whether or not it fit  11:50:09 25  Page 97  Page 97  11:50:16 1  11:50:20 2  Incomplete hypothetical.  11:50:42 9  11:50:45 11  11:50:45 12  MR. BOOZELL: Vague and ambiguous.  11:50:45 11  Incomplete hypothetical.  11:50:47 13  Q. And just for the record, I'm talking about things that you actually discussed during these meetings.  11:50:51 15  A. Yes.  11:50:17  Page 97  Page 98  11:54:26 1  11:54:26 1  11:54:31 2  MR. BOOZELL: Vague and ambiguous. Calls for speculation.  11:54:34 3  11:54:43 4  11:54:43 5  11:54:45 5  11:55:10 9  Q. On page RMS 6474. It says "Attachment A to Schedule 11:54:26 1  11:54:26 1  11:54:26 1  11:54:26 1  11:54:31 2  MR. BOOZELL: Vague and ambiguous. Calls for speculation.  11:54:43 4  11:54:53 7  THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:54:43 5  11:55:10 9  Q. On page RMS 6475, up at the top it says  11:55:10 11  11:54:51 12  Do you see that?  11:55:11 12  Do you see that?  11:55:15 13  A. Yes.  11:55:16 15  Q. What is your understanding of what a	1			_ :
Page 97  11:50:09 25 our patent strategy about filings related to Page 97  11:50:16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention.  11:50:32 6 Q. Was one of the factors that you considered 11:50:33 6 Q. Was one of the factors that you considered 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications?  11:50:45 11 Incomplete hypothetical.  11:50:47 13 Q. And just for the record, I'm talking about 11:50:51 15 meetings.  11:50:51 16 A. Yeah.  11:50:51 16 A. Yeah.	ı			Q. And I'd like to call your attention to
Page 97  11:50:16 1 protecting our invention and asserting potential intervention on our patents against others, and about 11:50:20 2 intervention on our patents against others, and about 11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention.  11:50:27 5 BY MR. DAMSTEDT:  11:50:32 6 Q. Was one of the factors that you considered whether Cetus would be the sole owner or whether 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications?  11:50:42 10 MR. BOOZELL: Vague and ambiguous.  11:50:45 11 Incomplete hypothetical.  11:50:45 12 BY MR. DAMSTEDT:  11:50:45 13 Q. And just for the record, I'm talking about 11:55:15 11 Mings that you actually discussed during these meetings.  11:50:51 16 A. Yeah.  11:55:16 16 Q. What is your understanding of what a			1	
11:50:16 1 protecting our invention and asserting potential 11:50:20 2 intervention on our patents against others, and about 11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention.  11:50:27 5 BY MR. DAMSTEDT: 11:50:32 6 Q. Was one of the factors that you considered 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:49 9 patents or patent applications?  11:50:45 11 Incomplete hypothetical.  11:50:45 12 BY MR. DAMSTEDT:  11:50:45 15 15 meetings.  11:50:51 16 A. Yeah.  11:50:51 16 A. Yeah.  11:50:51 16 A. Yeah.			· ·	
intervention on our patents against others, and about the commercial potential for the patent for the process or the invention.  11:50:27 4 process or the invention.  BY MR. DAMSTEDT:  11:50:32 6 Q. Was one of the factors that you considered whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the patents or patent applications?  11:50:44 10 MR. BOOZELL: Vague and ambiguous.  11:54:31 2 MR. BOOZELL: Vague and ambiguous. Calls for speculation.  11:54:34 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:50:39 8 Development of the patent for the process or the invention.  11:50:42 9 Patents or patent applications?  11:50:44 10 MR. BOOZELL: Vague and ambiguous.  11:55:01 9 Q. On page RMS 6475, up at the top it says "PCR Agreements" and then in parentheses, "(Confidentiality Agreements Only)."  11:50:45 11 Do you see that?  11:50:51 15 A. Yesh.  11:50:51 16 A. Yeah.		rage 97		Page 99
11:50:20 2 intervention on our patents against others, and about the commercial potential for the patent for the 11:50:27 4 process or the invention.  11:50:27 5 BY MR. DAMSTEDT:  11:50:32 6 Q. Was one of the factors that you considered whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications?  11:50:43 11 Incomplete hypothetical.  11:50:43 12 MR. BOOZELL: Vague and ambiguous. Calls for speculation.  11:54:34 3 speculation.  11:54:34 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:50:43 8 BY MR. DAMSTEDT:  11:50:43 10 POOZELL: Vague and ambiguous. Calls for speculation.  11:54:34 3 Speculation.  11:54:34 3 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:55:50:49 19 Q. On page RMS 6475, up at the top it says POOZELL: Vague and ambiguous.  11:55:10 11 United Pool of the factors that you considered at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:54:43 4 THE WITNESS: Yeah, having having looked at this, I couldn't comment. If this is all in the right order, and I don't know that it is, it would appear to be a typo.  11:55:50:49 19 Q. On page RMS 6475, up at the top it says POOR Agreements and then in parentheses, "(Confidentiality Agreements Only)."  11:55:15 11 A. Yes.  11:55:16 15 A. Yes.  11:55:16 15 A. Yes.  11:55:16 16 Q. What is your understanding of what a	11:50:16 1	protecting our invention and asserting potential	11:54:26 1	understanding a typo? It should be 2 1(d)?
11:50:23 3 the commercial potential for the patent for the 11:50:27 4 process or the invention. 11:50:27 5 BY MR. DAMSTEDT: 11:50:32 6 Q. Was one of the factors that you considered 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications? 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:47 13 Q. And just for the record, I'm talking about 11:50:51 15 meetings. 11:50:51 16 A. Yeah. 11:50:51 16 Q. Was one of the factors that you considered 11:54:43 4 THE WITNESS: Yeah, having having looked 11:54:43 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:43 4 THE WITNESS: Yeah, having having looked 11:54:43 4 THE WITNESS: Yeah, having having looked 11:54:43 4 THE WITNESS: Yeah, having having looked 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 at this, I couldn't comment. If this is all in the 11:54:54 5 0 or ight order, and I don't know that it is, it would 11:54:54:50 6 or ight order, and I don't know that it is, it would 11:54:54:50 6 or ight order, and I don't know that it is, it would 11:54:54:50 6 or ight order, and I don't know that it is, it would 11:54:54:50 6 or ight order, and I don't know that it is, it woul	11:50:20 2		11:54:31 2	
11:50:27 4 process or the invention.  11:50:27 5 BY MR. DAMSTEDT:  11:50:32 6 Q. Was one of the factors that you considered 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications?  11:50:45 11 Incomplete hypothetical.  11:50:45 12 BY MR. DAMSTEDT:  11:50:47 13 Q. And just for the record, I'm talking about 11:50:51 15 meetings.  11:50:51 16 A. Yeah.  11:50:51 16 A. Yeah.  11:54:43 4 THE WITNESS: Yeah, having having looked 11:54:45 5 at this, I couldn't comment. If this is all in the 11:54:45 5 right order, and I don't know that it is, it would 11:54:53 7 appear to be a typo.  11:54:53 8 BY MR. DAMSTEDT: 11:55:01 9 Q. On page RMS 6475, up at the top it says 11:55:01 11 "(Confidentiality Agreements Only)." 11:55:14 12 Do you see that? 11:55:15 14 Q. And did I read it correctly? 11:55:16 15 A. Yes. 11:55:16 16 Q. What is your understanding of what a	11:50:23 3		11:54:34 3	
11:50:27 5 BY MR. DAMSTEDT: 11:50:32 6 Q. Was one of the factors that you considered 11:50:34 7 whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications? 11:50:44 10 MR. BOOZELL: Vague and ambiguous. 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:47 13 Q. And just for the record, I'm talking about 11:50:51 15 meetings. 11:50:51 16 A. Yeah.  11:50:51 16 Q. Was one of the factors that you considered whether cetus would be the sole owner or whether right order, and I don't know that it is, it would appear to be a typo. 11:54:53 7 BY MR. DAMSTEDT: 11:55:01 9 Q. On page RMS 6475, up at the top it says 11:55:08 10 "PCR Agreements" and then in parentheses, 11:55:10 11 "(Confidentiality Agreements Only)." 11:55:15 11 Q. And did I read it correctly? 11:55:16 15 A. Yes. 11:55:16 16 Q. What is your understanding of what a	11:50:27 4	process or the invention.	11:54:43 4	-
11:50:32 6 Q. Was one of the factors that you considered whether Cetus would be the sole owner or whether 11:50:34 7 whether Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications?  11:50:44 10 MR. BOOZELL: Vague and ambiguous. 11:55:01 9 Q. On page RMS 6475, up at the top it says 11:55:04 11 Incomplete hypothetical. 11:55:10 11 "(Confidentiality Agreements Only)." 11:55:14 12 Do you see that? 11:55:15 13 A. Yes. 11:50:51 15 meetings. 11:50:51 16 A. Yeah. 11:55:16 16 Q. What is your understanding of what a	11:50:27 5	BY MR. DAMSTEDT:	11:54:45 5	
11:50:34 7 whether Cetus would be the sole owner or whether 11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications? 11:50:44 10 MR. BOOZELL: Vague and ambiguous. 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:47 13 Q. And just for the record, I'm talking about 11:50:49 14 things that you actually discussed during these 11:50:51 15 meetings. 11:50:51 16 A. Yeah. 11:50:51 17 whether Cetus would be the sole owner or whether 11:54:53 7 appear to be a typo. 11:55:01 9 Q. On page RMS 6475, up at the top it says 11:55:01 10 "PCR Agreements" and then in parentheses, 11:55:10 11 "(Confidentiality Agreements Only)." 11:55:15 11 A. Yes. 11:55:16 15 A. Yes. 11:55:16 16 Q. What is your understanding of what a	11:50:32 6	Q. Was one of the factors that you considered	11:54:50 6	
11:50:39 8 Cetus would have a co-ownership right in the 11:50:42 9 patents or patent applications? 11:50:44 10 MR. BOOZELL: Vague and ambiguous. 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:47 13 Q. And just for the record, I'm talking about 11:50:49 14 things that you actually discussed during these 11:50:51 15 meetings. 11:50:51 16 A. Yeah. 11:50:51 17 Q. What is your understanding of what a	11:50:34 7		1	
11:50:42 9 patents or patent applications?  11:50:44 10 MR. BOOZELL: Vague and ambiguous.  11:50:45 11 Incomplete hypothetical.  11:50:45 12 BY MR. DAMSTEDT:  11:50:47 13 Q. And just for the record, I'm talking about 11:50:49 14 things that you actually discussed during these 11:50:51 15 meetings.  11:50:51 16 A. Yeah.  11:55:16 16 Q. On page RMS 6475, up at the top it says 11:55:08 10 "PCR Agreements" and then in parentheses, 11:55:10 11 "(Confidentiality Agreements Only)."  11:55:10 11 Do you see that?  11:55:15 13 A. Yes.  11:55:16 15 A. Yes.  11:55:16 16 Q. What is your understanding of what a	11:50:39 8			-
11:50:44 10 MR. BOOZELL: Vague and ambiguous. 11:50:45 11 Incomplete hypothetical. 11:50:45 12 BY MR. DAMSTEDT: 11:50:47 13 Q. And just for the record, I'm talking about 11:50:49 14 things that you actually discussed during these 11:50:51 15 meetings. 11:50:51 16 A. Yeah. 11:50:51 17 O. S. II. Solution of the record of the	11:50:42 9		11:55:01 9	1
11:50:45 11       Incomplete hypothetical.         11:50:45 12       BY MR. DAMSTEDT:         11:50:47 13       Q. And just for the record, I'm talking about         11:50:49 14       things that you actually discussed during these         11:50:51 15       meetings.         11:50:51 16       A. Yeah.         11:55:16 16       Q. What is your understanding of what a	11:50:44 10		11:55:08 10	
11:50:45 12       BY MR. DAMSTEDT:       11:55:14 12       Do you see that?         11:50:47 13       Q. And just for the record, I'm talking about       11:55:15 13       A. Yes.         11:50:51 15       meetings.       11:55:16 15       A. Yes.         11:50:51 16       A. Yeah.       11:55:16 16       Q. What is your understanding of what a	11:50:45 11			
11:50:47 13       Q. And just for the record, I'm talking about       11:55:15 13       A. Yes.         11:50:49 14       things that you actually discussed during these       11:55:15 14       Q. And did I read it correctly?         11:50:51 15       meetings.       11:55:16 15       A. Yes.         11:50:51 16       A. Yeah.       11:55:16 16       Q. What is your understanding of what a	11:50:45 12			
11:50:49 14 things that you actually discussed during these       11:55:15 14 Q. And did I read it correctly?         11:50:51 15 meetings.       11:55:16 15 A. Yes.         11:50:51 16 Q. What is your understanding of what a	11:50:47 13	· · · · · · · · · · · · · · · · · · ·		
11:50:51 15       meetings.         11:50:51 16       A. Yes.         11:55:16 16       Q. What is your understanding of what a	11:50:49 14			
11:50:51 16 A. Yeah.  11:55:16 16 Q. What is your understanding of what a	11:50:51 15			· · · · · · · · · · · · · · · · · · ·
2. What is your understanding of what a	11:50:51 16	_		<b>!</b>
		and the second s		· · · · · · · · · · · · · · · · · · ·
11 50 50 40	1			confidentiality agreement strike that.
11.50.56.10 Francis your understanding of what	1	• •		-
11.51.01.20 agreements would quarry as confidentiality	1	- 1		- 1
11.51.01.21 O West and a greaters:				
MR. BOOZELL: it's vague and ambiguous.				
11.51.00.22				
MR. BOOZEEL. Okay.				•
11 51 40 55				· · · · · · · · · · · · · · · · · · ·
Q. What was your understanding of what	11.01,13.23		11:55:36 25	Q. What was your understanding of what
Page 98 Page 100		Page 98		Page 100

25 (Pages 97 to 100)

## HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

1			***************************************	
2				
3				
4				
5				
6		an colored		
7				
8	I, WILLIAM GRANT GERBER, M.D., do hereby			
9	declare under penalty of perjury that I have read the	by		
10				
11				
12	as noted notein, in mix,			
13				
14				
15				
16	day of			
17	, ac			
18	(City) (State)			
19	(conta)			
20				
	WILLIAM GRANT GERBER, M.D.			
21	The state of the s	and the second		
22		· vennous in vennous i		
23		all the coupling		
24				
25				
	Page 113	3		
***************************************		+	 ***************************************	-
1	and the second s	**************************************		
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	ab a property		
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.	The second		
16	IN WITNESS WHEREOF, I have this date	Anthropology		
17	subscribed my name.	ALCOHOLD STATE OF THE STATE OF		
18	**************************************			
19	Dated:	į		
20				
21		***************************************		
22		No.		
23				
	SUZANNE F. BOSCHETTI			
24	CSR No. 5111			
25				
	Page 114			
***************************************				