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

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 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

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

15 Plaintiff,

16 v.

17 ROCHE MOLECULAR SYSTEMS, ET AL.,

18 Defendants.

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 20 ROCHE MOLECULAR SYSTEMS, ET AL.,

21 Counterclaimants,

22 v.

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

26 Counterclaim Defendants.

Case No. C 05 04158 MHP

**[PROPOSED] ORDER GRANTING  
 COUNTERCLAIM DEFENDANTS  
 STANFORD UNIVERSITY, DR. MERIGAN  
 AND DR. HOLODNIY'S MOTION FOR  
 SUMMARY JUDGMENT**

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On December 4, the Court held a hearing on Stanford University, Dr. Merigan and Dr. Holodniy’s Motion for Summary Judgment. Upon full consideration of all submitted papers and oral arguments in support of and in opposition to the Motion, and for good cause shown, the Court GRANTS this Motion and holds that:

- (1) RMS’s ownership, license, and breach of contract claims are barred by the statute of limitations, laches and/or estoppel;
- (2) RMS has no ownership or license rights to the inventions at issue under the 1984 and 1991 Merigan Consulting Agreements;
- (3) RMS has no ownership or license rights to the inventions at issues under the 1988 MTA; and
- (4) RMS has no ownership or license rights to the inventions at issue under the 1989 Visitor’s Confidentiality Agreement.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. MARILYN HALL PATEL  
United States District Court Judge

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