

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**FILED**  
**OCT 03 2005**  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DM  
DEPUTY CLERK

IMMUNOCEPT, LLC, PATRICE ANNE §  
LEE, AND JAMES REESE MATSON §

Plaintiffs, §

v. §

CAUSE NO. A050A334 SS

FULBRIGHT & JAWORSKI, LLP, §

Defendant. §

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**JOINT REPORT REGARDING ALTERNATIVE DISPUTE RESOLUTION  
PURSUANT TO LOCAL RULE 88**

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TO THE HONORABLE JUDGE OF THIS COURT:

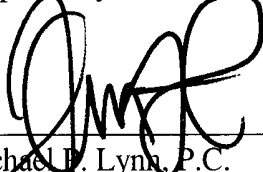
Immunocept, LLC, Patrice Anne Lee, and James Reese Matson, Plaintiffs in the above-entitled and numbered cause, and Fulbright & Jaworski, LLP ("Fulbright"), Defendant in the above-entitled and numbered cause, by and through their undersigned counsel, file this Joint Report Regarding Alternative Dispute Resolution Pursuant to Local Rule 88 and the Court's Scheduling Order filed on August 4, 2005. The parties would respectfully show the Court as follows:

The parties agree that the prospects for successful alternative dispute resolution will be enhanced after the parties have had the opportunity to engage in discovery. The parties have already engaged in informal discussions of their relative positions, have exchanged written discovery, and have scheduled a number of depositions.

Once the parties have had a reasonable chance to engage in discovery, they intend to participate in mediation, and will agree upon a mutually acceptable mediator, whose fees will be

borne in equal proportions by the Plaintiffs and Defendant. Mike Lynn will be responsible for settlement negotiations on behalf of the Plaintiffs, and David J. Beck will be responsible for settlement negotiations on behalf of the Defendant. Messrs. Lynn and Beck hereby certify that they have informed their clients of the ADR procedures available in this district.

Respectfully submitted

By:   
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Jeffrey M. Tillotson, P.C.  
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Jeremy Fielding  
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**AND JAMES REESE MATSON**

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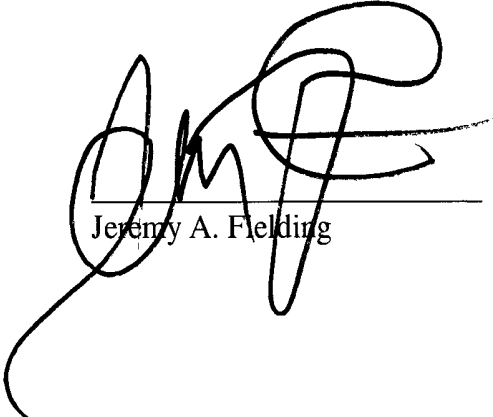
**ATTORNEYS FOR DEFENDANT**  
**FULBRIGHT & JAWORSKI, LLP**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served as shown below on counsel of record on September 30, 2005.

Via Certified Mail, Return-Receipt Certified

David J. Beck  
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Jeremy A. Fielding