AFFIDAVIT OF PROCESS SERVER

United States District Court **District Of Columbia**

Novartis Vaccines and Diagnostics, Inc.

Plaintiff

vs.

United States Department of Health and Human Services, et al

Defendant

Attorney:

Morrison & Foerster, LLP
John Corrado
2000 Pennsylvania Ave., NW, Suite 5500
Washington, DC. 20006

Case Number: 1:07-cv-02138

Legal documents received by Same Day Process Service on November 28th, 2007 at 1:00 PM to be served upon **United States Department of Health and Human Services, as Represented by Michael O. Leavitt at 200 Independence Ave., SW, Washington, DC. 20201**

I, Brandon A. Snesko, swear and affirm that on **November 28th, 2007 at 3:55 PM**, I did the following:

Served a **Government Agency** by delivering a conformed copy of this **Summons in a Civil Case; Notice of Right to Consent to Trial Before United States Magistrate Judge; Complaint for Review of Interference Determination Pursuant to 35 U.S.C. Section 146; Certificate Required by LCVR 7.1 of the Local Rules of the United States District Court for the District of Columbia; Notice of Designation of Related Civil Cases Pending in this or any other United States Court; Initial ECF Order; ECF Attorney/Participant Registration Form; Civil Cover Sheet,** to **Donald Roots** as **Senior Executive Assistant and Authorized Agent** of the within named agency, to wit: **U.S. Department of Health and Human Services** and informing that person of the contents of the documents.

Description of Person Accepting Service:
Sex: Male Age: 45 Height: 5'10 Weight: 175 Skin Color: black Hair Color: black Glasses: Y

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury under the laws of the that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

Brandon A. Snesko
Process Server

Same Day Process Service
1322 Maryland Ave., NE
Washington, DC 20002

(202) 398-4200

Internal Job ID: 0000006073

District of Columbia : SS
Subscribed and Sworn to before me
this 8th day of Dec, 2007

B. Tony Snesko, Notary Public, D.C.
My commission expires December 14, 2011

B. TONY SNESKO NOTARY PUBLIC DISTRICT OF COLUMBIA

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AO 440 (Rev. DC - September 2003) Summons in a Civil Action

UNITED STATES DISTRICT COURT
District of Columbia

NOVARTIS VACCINES AND
DIAGNOSTICS, INC.

SUMMONS IN A CIVIL CASE

V.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES

and

NATIONAL INSTITUTES OF HEALTH

and

CENTOCOR, INC.

CASE Case: 1:07-cv-02138
Assigned To : Roberts, Richard W.
Assign. Date : 11/27/2007
Description: General Civil

TO: (Name and address of Defendant)

United States Department of Health and Human Services
As Represented by Michael O. Leavitt
200 Independence Ave., S.W.
Washington, D.C. 20201
(202) 619-0257

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John P. Corrado, Esq.
Morrison & Foerster LLP
2000 Pennsylvannia Avenue, NW Suite 5500
Washington, D.C. 20006-1888
(202) 887-1500

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

NANCY MAYER-WHITTINGTON
CLERK

NOV 27 2007
DATE

(By) DEPUTY CLERK