A TRUE COPY ATTEST
DAVID D. AYLES, PROCESS SERVER
AND DISINTERESTED PERSON

§ AO88 (DE Rev. 01/07) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

VANDERBILT UNIVERSITY, Plaintiff
V.
ICOS CORPORATION, Defendant

SUBPOENA IN A CIVIL CASE

Case Number:[1] 05-506-SLR
(Currently Pending in the United States District Court for the District of Delaware)

TO: Richard Labaudiniere
258 Western Avenue
Sherborn, Massachusetts 01770

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
Davis Malm & D'Agostine P.C., One Boston Place, Boston, Massachusetts 02108	03/20/07 at 9:30 a.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Thomas Frisardi, Esquire, Attorney for Plaintiff	Feb. 26, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Thomas Frisardi, Esquire, Davis Malm & D'Agostine P.C., One Boston Place, Boston, Massachusetts 02108, Tel: 617-589-3816

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

[1] If action is pending in district other than district of issuance, state district under case number.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VANDERBILT UNIVERSITY, Plaintiff, v. ICOS CORPORATION, Defendant.	Civil Action No.: 05-506-SLR

NOTICE TO TAKE DEPOSITION DUCES TECUM OF
RICHARD LABAUDINIERE

Please take notice that Plaintiff Vanderbilt University, by its undersigned counsel, will take the deposition upon oral examination of Richard Labaudiniere. The purpose of the deposition is for discovery in the above-captioned matter. The deposition will be taken at the offices of Davis, Malm & D'Agostine, P.C., One Boston Place, Boston, Massachusetts 02108 on Tuesday, March 20, 2007 at 9:30 a.m., according to the Rules of this Court, before a Notary Public or some other officer authorized to administer oaths, and will be recorded by stenographic and/or videographic means. The deposition will continue thereafter until completed.

Dated: March 6, 2007

BIFFERATO, GENTILOTTI & BALICK

Vincent A. Bifferato, Jr. (#2465)
Ian Connor Bifferato (#3273)
James E. Drnec (#3789)
1308 Delaware Avenue
Wilmington, Delaware 19806
(302) 429-1900

-and-

Robert S. Brennen
Donald E. English, Jr.
MILES & STOCKBRIDGE P.C.
10 Light Street
Baltimore, Maryland 21202
(410) 727-6464

Attorneys for Plaintiff,
Vanderbilt University

CERTIFICATE OF SERVICE

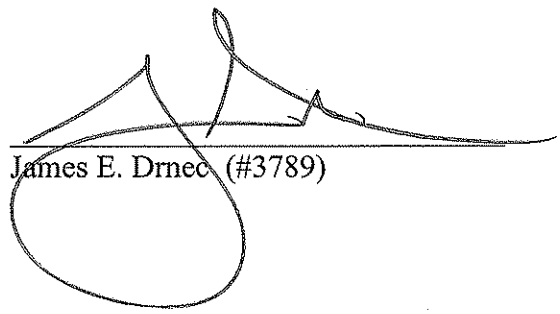
I, James E. Drnec, hereby certify that on this 6th day of March, 2007, copies of the foregoing NOTICE TO TAKE DEPOSITION DUCES TECUM OF RICHARD LABAUDINIERE were caused to be served upon the following by hand delivery.

Richard K. Herrmann, Esq.
Mary B. Matterer, Esq.
Morris James Hitchens & Williams LLP
500 Delaware Avenue
Wilmington, Delaware 19801

- and -

by first-class mail, postage prepaid, upon

Michael F. Borun, Esq.
Kevin M. Flowers, Esq.
Thomas I. Ross, Esq.
Rashmi V. Gupta, Esq.
Jennifer E. Flory, Esq.
Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 S. Wacker Drive
Chicago, Illinois 60606-6357



James E. Drnec (#3789)