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October 16, 2007

VIA E-FILE & HAND DELIVERY
The Honorable Sue L. Robinson
Chief Judge
United States District Court
J. Caleb Boggs Federal Building
844 North King Street, Room 6124
Wilmington, Delaware 19801

Re: Vanderbilt University v. ICOS Corporation
Case No. 05-506 SLR

Dear Judge Robinson:

The purpose of this letter is to inform the Court of an apparent error on the civil docket for this case. The docket erroneously reflects that the January 3, 2008 trial is set for a bench trial rather than a jury trial, which was requested in the original pleadings and civil cover sheet (copies of the civil cover sheet and the original complaint are attached hereto as Exhibits A and B).

As this Court will note, Vanderbilt filed its Complaint and Jury Demand on July 20, 2005, which is reflected on the civil docket (attached hereto as Exhibit C). On December 7, 2005, the Court entered its initial Scheduling Order, which set the trial for March 6, 2007. The December 7, 2005 Scheduling Order did not provide that the trial was set for a bench trial; however, the docket entry that was made on December 7, 2005 reflecting the Scheduling Order does mistakenly indicate that the trial was set for a bench trial. There were no motions or pleadings that would have supported that change on the docket (a copy of the December 7, 2005 Scheduling Order is attached hereto as Exhibit D).

On April 4, 2007, the Court entered a Supplemental Scheduling Order, which set the trial for January 3, 2008. The April 4, 2007 Supplemental Scheduling Order similarly did not provide that the trial was set for a bench trial; however, the docket entry that was made on April 4, 2007 reflecting the Supplemental Scheduling Order again mistakenly indicates that the trial is set for a bench trial (a copy of the April 4, 2007 Supplemental Scheduling Order is attached hereto as Exhibit E).

The case should thus be docketed for trial by jury. Vanderbilt respectfully brings this issue to the Court's attention because counsel for the defendants have suggested that they believe that this matter will go forward on January 3, 2008 as a bench trial. Should the Court deem it appropriate, the Court may wish to direct the Clerk of the Court to correct the docket entries accordingly.

Respectfully,

Ian Connor Bifferato

Enclosures

cc: Robert S. Brennen, Esquire (via email w/enclosures)
Kevin Flowers, Esquire (via email w/enclosures)
Richard Hermann, Esquire (via email w/enclosures)
Kurt Rommel, Esquire (via email w/enclosures)