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9/11/06.

AO 88 (Rev. 1/94) Subpoena in Civil Case

UNITED STATES DISTRICT COURT

for the DISTRICT OF MASSACHUSETTS

SUBPOENA IN A CIVIL CASE

VANDERBILT UNIVERSITY

v.

ICOS CORPORATION

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

To: **Richard Labaudiniere**
c/o FoldRx Pharmaceuticals, Inc.
300 Technology Square, 4th Floor
Cambridge, MA 02139

258 Western Ave Unit 4
Sherborn MA

☐ 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	DATE AND TIME
DAVIS MALM & D'AGOSTINE P.C. **One Boston Place** **Boston, Massachusetts 02108**	**10/12/06** **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):

See Attached Schedule of Documents

PLACE	DATE AND TIME
DAVIS MALM & D'AGOSTINE P.C. **One Boston Place** **Boston, Massachusetts 02108**	**10/12/06** **9:30 a.m.**

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

PLACE	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of 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	DATE
Thomas Frisardi, attorney for the plaintiff	Sept. 11, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Thomas Frisardi, Esquire, DAVIS MALM & D'AGOSTINE P.C
One Boston Place, Boston, MA 02108 (617) 589-3816, Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VANDERBILT UNIVERSITY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action No.: 05-506-SLR**
	)	
	)	**(Currently Pending in the United States District Court for the District of Delaware)**
	)	
ICOS CORPORATION,	)	
	)	
Defendant.	)	
	)	

NOTICE TO TAKE DEPOSITION DUCES TECUM OF
RICHARD LABAUDINIERE

Please take notice that the Plaintiff, The Vanderbilt University, by his undersigned counsel, will take the deposition upon oral examination of Richard Labaudiniere, who is hereby directed to bring with him to the deposition the documents described in Schedule A hereto. 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 at 9:30 a.m. on Thursday, October 12, 2006, according to the Rules of this Court, before a Notary Public of the State of Massachusetts or some other officer authorized to administer oaths. The deposition will continue thereafter until completed.

DATED this 11th day of September, 2006.

Thomas Frisardi, Esquire
DAVIS MALM & D'AGOSTINE P.C.
One Boston Place
Boston, Massachusetts 02108
(617) 589-3816
BBO# 552479

OF COUNSEL:

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Baltimore, Maryland 21202
(410) 727-6464

Attorneys for Plaintiff,
Vanderbilt University

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2006, a copy of **PLAINTIFF, VANDERBILT UNIVERSITY, NOTICE TO TAKE DEPOSITION DUCES TECUM OF RICHARD LABAUDINIERE** was served via first-class mail, postage prepaid, upon:

Richard K. Herrmann
Mary B. Matterer
Morris James Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801

- and -

Michael F. Borun
Kevin M. Flowers
Thomas I. Ross
Rashmi V. Gupta
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6300 Sears Tower
233 S. Wacker Drive
Chicago, Illinois 60606-6357

Attorneys for Defendant, ICOS Corporation

Thomas Frisardi

SCHEDULE A

1. Copies of any and all documents relating to communications between you and Vanderbilt University and/or Jackie Corbin, PHd, Sharron Francis, PHd and Sekhar Raja Konjeti PHd.

2. Copies of any and all documents relating to or referring to the invention of tadalafil.