IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VANDERBILT UNIVERSITY, *

Plaintiff, *

Case No: 1:05-cv-00506-SLR

v. *

ICOS CORPORATION, *

Defendant. *

* * * * * * * * * * * * * *

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE (LETTER ROGATORY)

TO: The Appropriate Judicial Authority in the United Kingdom:

FROM: The United States District Court for the District of Delaware

The above-entitled and numbered cause is pending in the United States District Court for the District of Delaware in the United States between the above-entitled parties, and justice cannot completely be done without the testimony of Dr. Barry Clive Ross, who resides in your jurisdiction.

This case arises from Vanderbilt University's claim that three of its scientists contributed to Glaxo, Inc.'s conception of inventions reflected in two U.S. patents, which include the compound Tadalafil, currently marketed as "Cialis." Those patents name one of Glaxo, Inc.'s scientists as the sole inventors of both patents. Those patents were assigned by Glaxo, Inc. to ICOS Corporation and currently still list the Glaxo, Inc. scientist as the sole inventor. Vanderbilt's Complaint requests that the Court issue an order to correct the two patents pursuant to 35 U.S.C. § 256 by adding the three Vanderbilt scientists as co-inventors of the patents.

Dr. Ross is a former Glaxo, Inc. employee who resides in the U.K. Vanderbilt believes

that Dr. Ross possesses information that is critical to Vanderbilt's claim that the Vanderbilt scientists are co-inventors of the patents. Vanderbilt intends to request discoverable information from Dr. Ross on at least the following subjects:

1. ICOS Corporation's collaboration with Glaxo relating to research and development of phosphodiesterase inhibitors.

2. All communications Dr. Ross has had with Vanderbilt University and/or Jackie Corbin, PHd, Sharron Francis, PHd and Sekhar Raja Konjeti PHd.

3. Any information related to the invention of tadalafil.

We, therefore, request you, that in furtherance of justice, by the proper and usual process of your court, to cause Dr. Barry Clive Ross to appear before you or some competent person appointed and authorized by you, prior to November 17, 2006, to answer questions relevant to the above-entitled case under oath and to cause the deposition of this witness to be reduced to writing.

Our Court shall be ready and willing to do the same for you when required.

Respectfully submitted,

Sue L. Robinson
CHIEF UNITED STATES DISTRICT JUDGE