EXHIBIT "D"

Brennen, Robert S.

From: Brennen, Robert S
Sent: Friday, October 13, 2006 1:15 PM
To: 'Mark.2.Rachlin@gsk.com'
Subject: Depositions of Glaxo Witnesses

Dear Mark,

As I have not heard from you I am assuming that Glaxo is not willing to make Dr. Daugan or Dr. Grondin available for deposition on a voluntary basis in France. While we believe it might be in the best interests of Glaxo, ICOS and Vanderbilt that the jury hear what Drs. Daugan and Grondin might have to say with respect to Vanderbilt's claims, there is sufficient other evidence to establish and corroborate those claims, and we will suggest to the jury that it can infer from their absence from the trial that their testimony would have been favorable. Fortunately, the Court's scheduling order in our case states that any witnesses identified on the parties' witness lists (to be filed in January) that have not been deposed already must be made available for deposition between that time and the trial. Thus, if, as a result of its on-going relationship with Glaxo, ICOS wishes to and with Glaxo's cooperation is able to introduce any testimony from either Dr. Daugan, Dr. Grondin or any of the other French scientists at the trial, ICOS will have to make them available for deposition in January in Delaware

We would also like to depose Drs. Barry Ross and D.M. Drew in the U.K. Please advise as to whether Glaxo is willing to cooperate in making them available for such depositions. If not, or if we have not heard from you by this coming Tuesday, we will file the necessary papers to obtain Letters of Request or Letters Rogatory from the federal court in Delaware in order to obtain appropriate process in the U.K.

Regards,

Bob Brennen

MILES & STOCKBRIDGE P.C.
Robert S. Brennen
Direct Dial: 410.385.3653
Fax: 410.385.3700
rbrennen@milesstockbridge.com
10 Light Street, Baltimore, MD 21202-1487
www.milesstockbridge.com
bio veard location