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VIA HAND DELIVERY

The Honorable Roderick R. McKelvie
United States District Court
for the District of Delaware
844 King Street
Wilmington, Delaware 19801

Re: The Johns Hopkins University, et al. v. CellPro
Civil Action No. 94-105-RRM

Dear Judge McKelvie:

We are enclosing for the Court's consideration a revised form of the proposed injunction and partial stay. For the Court's convenience, we have also included a copy of the revised form of the proposed injunction and partial stay on disk.

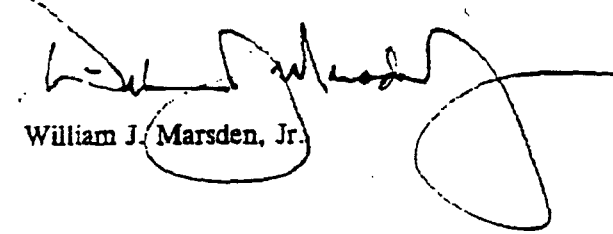
The changes in the proposed order relate to the stay of the injunction in the United States pending FDA approval of an alternative, noninfringing stem cell separation device. As modified, the proposed order would permit CellPro not only to supply disposable products to current users of the Ceprate® SC device, but also to sell new devices and disposables to any U.S. customers, new or old, until FDA approval of an alternative therapeutic device and for a phase-down period thereafter. In addition, the stay would permit CellPro to supply infringing products to clinicians not only through the completion of currently approved clinical trials but also through the completion of any new clinical trials that are authorized up to the date the FDA approves an alternative device.

As plaintiffs previously explained to the Court, the restrictions included in the earlier draft would not, in fact, have denied patients access to stem cell technology, in view of the large number of U.S. transplant centers in which either CellPro's device or Baxter's device (or both) is already installed. However, as the Court may have observed, since March CellPro has

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undertaken a massive (and irresponsible) public relations campaign designed to frighten cancer patients and their families into believing that entry of the proposed order would somehow deny them needed treatment. Plaintiffs' decision to remove the two restrictions from the proposed order is intended to allay any anxieties, however unfounded, that CellPro has created. To reiterate what plaintiffs have previously stated, it is their intention that under this order, no patient will be deprived of access to stem cell technology needed for treatment.

Respectfully submitted,



William J. Marsden, Jr.

WJMjr/kgm

PA&C/259669

cc: Clerk of the United States District Court (w/enc.) (via hand delivery)
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