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May 12, 1997

VIA FEDERAL EXPRESS

Robert B. Lanman, Esq.
Department of Health and Human Services
Office of General Counsel
Room 2B50, Building 31
31 Center Drive
MSC211
Bethesda, MD 20892-2111



Re: Johns Hopkins University

Dear Mr. Lanman:

Following up on our telephone conversation last week, Johns Hopkins University requests a period of 30 days to respond to CellPro's Memorandum dated April 24, 1997. It is my understanding that the Memorandum was sent to Hopkins on May 1, 1997, so that Hopkins' response would be due on Monday, June 2, 1997.

As you know, at the time Hopkins received CellPro's thirty-eight page Memorandum, it was finalizing its response to CellPro's petition of March 3, 1997, which it filed on May 7, 1997. Hopkins could not reasonably have responded to the Memorandum on such short notice, and it would be unfair for DHHS to consider the Memorandum without giving Hopkins a reasonable opportunity to review it and prepare a response. We understand and accept that this extension of time will have the effect of postponing the 60-day period within which DHHS must make a decision on whether to initiate a march-in proceeding, as provided in 37 C.F.R. §401.6(b).

Thank you very much for your cooperation. I would appreciate your confirming this extension of time by sending me a countersigned copy of this letter for my file.

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Robert B. Lanman, Esq.
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Sincerely yours,



Donald R. Ware

DRW/kaw

cc: Frederick G. Savage, Esq.
Mr. Howard W. Califano

Approved:

Robert B. Lanman