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Via Federal Express

June 26, 1997

Barbara M. McGarey  
Deputy Director  
Office of Technology Transfer  
National Institutes of Health  
6011 Executive Blvd.  
Suite 325  
Rockville, MD 20852

Re: Petition of CellPro, Inc.

Dear Ms. McGarey:

We are in receipt of Mr. Wilson's letter to you dated June 24, 1997 enclosing copies of selected court filings since April 30, 1997.

It is unclear why these papers are being sent to NIH. They concern matters that are pending before the federal court and will be resolved by the federal court. It is our sense that NIH has received more than enough paper as it is, and we have not thought it necessary to burden NIH with every paper filed in court.

Among the papers Mr. Wilson submitted is a letter to the court from CellPro's litigation counsel, Jerrold B. Reilly, concerning CellPro's contacts with Dr. Scott Rowley and senior officials at the Fred Hutchinson Cancer Research Center following Dr. Rowley's execution of the declaration submitted to NIH on May 19. By way of background, Judge McKelvie had directed CellPro's counsel to make a report to the court after it heard evidence indicating that CellPro may have improperly attempted to intimidate Dr. Rowley when it learned of the content of his declaration.

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So that the record is complete, we are enclosing for your information a copy of plaintiffs' letter to the court in response to the Reilly letter. Please do not hesitate to contact me if you have any questions.

Sincerely yours,



Donald R. Ware

DRW/kaw

Enclosure

cc: Robert B. Lanman, Esq.  
Gary D. Wilson, Esq.