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June 23, 1997

By FacsimileBarbara M. McGarey
Deputy Director
Office of Technology Transfer
National Institutes of Health
6011 Executive Boulevard
Rockville, MD 20852-3804Re: Petition of CellPro, Inc.

Dear Ms. McGarey:

On June 6, 1997, I wrote you to say that I had written to Messrs. Ware and Savage that day to make a proposal that CellPro hoped would resolve its petition under the Bayh-Dole Act. I further said that we would spend our efforts until June 20 to attempt to reach such a resolution but that if those efforts should prove unsuccessful I would so advise you and let you know when we would anticipate addressing materials that had been submitted on behalf of Hopkins.

On June 20, 1997, I received a response from Mr. Ware to CellPro's June 6 proposal. That response took exception to the provision in the CellPro proposal that would have separated out issues in the pending litigation for future resolution and stated a desire that the parties try to move forward in a manner that would bring the litigation to a close. CellPro, of course, shares that desire, but at least until now such a solution has eluded the parties. I have left a phone message for Mr. Ware and have also written to him to propose a meeting at which the parties may explore possible ways of resolving the matter to everyone's benefit.

Unfortunately, Mr. Ware is traveling today so I have not been able to speak with him. As I understand his response, however, his clients propose not to commence negotiations until there is a decision from the district court on the pending request for injunction and other issues, which his clients anticipate will be issued within a matter of days and which they hope will help guide the parties toward a resolution of the dispute.

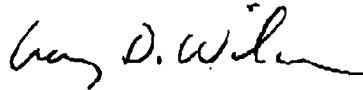
For its part, CellPro would prefer to try to reach a resolution sooner rather than later. It was, of course, the threatened issuance of an injunction that led to CellPro's Bayh-Dole petition

in the first place. I have advised Mr. Ware that we are prepared to meet to try to reach a resolution at his clients' earliest convenience. In the meantime, we are proceeding to prepare a response to the submission by Messrs. Ware and Savage dated June 2, 1997, as well as to Mr. Ware's letter to you of June 17, 1997.

CellPro anticipates that it will be able to complete its final submission to you on July 2, 1997, in accordance with our earlier discussions and Dr. Baldwin's letter of May 27, 1997. Tomorrow, I will send you by messenger copies of several recent filings in the district court litigation. We anticipate addressing these materials as well so that the Department will have as full a record as possible upon which to base its action on CellPro's petition. Should there be a decision from the district court, we will provide you a copy as soon as we have one.

Thank you for your continuing attention to this matter, which, as you know, we believe is of critical importance not only to CellPro but also to large numbers of victims of breast cancer, leukemia, and other diseases.

Very truly yours,



Gary D. Wilson

cc: Donald R. Ware
Frederick G. Savage
Robert B. Lanman