



San Francisco Superior Courts  
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Case Number: CGC-02-407068

Filing Date: Nov-28-2005 2:31

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NOTICE OF SETTLEMENT

VIROLOGIC, INC., A DELAWARE CORP. VS. DOES 1 TO 10

001C01332703

**Instructions:**

Please place this sheet on top of the document to be scanned.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Matthew D. Brown (196972)</b>                  Cooley Godward LLP                  101 California Street, 5th Floor                  San Francisco, CA 94111-5800</p> <p>TELEPHONE NO: (415) 693-2000 FAX NO (Optional): (415) 693-2222                  E-MAIL ADDRESS (Optional): brownmd@cooley.com                  ATTORNEY FOR (Name): Plaintiff VIROLOGIC, INC.</p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</p> <p>San Francisco County Superior Court</p> <p style="font-size: 1.2em;">NOV 28 2005</p> <p style="font-weight: bold;">GORDON PARK-LI, Clerk</p> <p>BY: <u>Carolyn B. Bales</u> Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco                  STREET ADDRESS: 400 McAllister Street                  MAILING ADDRESS:                  CITY AND ZIP CODE: San Francisco, CA 94102                  BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: VIROLOGIC, INC., a Delaware corporation                  DEFENDANT/RESPONDENT: DOES 1 through 10, inclusive</p>	
<p><b>NOTICE OF SETTLEMENT</b></p>	<p>CASE NUMBER: CGC 02 407068</p> <p>JUDGE: DEPT.:</p>

**NOTICE TO PLAINTIFF**

If you have not filed a request for dismissal within 45 days of the date this Notice of Settlement is received by the court or, if the settlement is conditional, within 45 days of the date specified in item 1b, the court must dismiss the case unless good cause is shown within that time why the case should not be dismissed.

**To the court, all parties, and any arbitrator or other court-connected ADR neutral involved in this case:**

1. This case has been settled. The settlement is:
  - a.  **Unconditional.** A request for dismissal will be filed within 45 days after the date of the settlement.  
Date of settlement: November 4, 2005
  - b.  **Conditional.** The settlement agreement conditions dismissal of this matter on the satisfactory completion of specified terms that are not to be performed within 45 days of the date of the settlement. A request for dismissal will be filed no later than (date):
2. Date initial pleading filed: April 23, 2002
3. Next scheduled hearing or conference:
  - a. Purpose: Case Management Conference
  - b. Date: January 20, 2006 Time: 9:00 A.M.
4. Trial date:
  - a.  No trial date set.
  - b.  Date: Time:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date: November 28, 2005

Matthew D. Brown (196972)  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

  
 \_\_\_\_\_  
 (SIGNATURE)

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and a resident of the State of California. I am  
3 employed in San Francisco County, State of California, in the office of a member of the bar of  
4 this Court, at whose direction the service was made. I am over the age of eighteen years, and  
5 not a party to the within action. My business address is Cooley Godward LLP, 101 California  
6 Street, 5<sup>th</sup> Floor, San Francisco, CA 94111-5800. On the date set forth below, I served the  
7 documents described in the manner described below:

- 8 • NOTICE OF SETTLEMENT

9  
10  (BY OVERNIGHT MAIL – CCP § 1013(c)) I am personally and readily familiar  
11 with the business practice of Cooley Godward LLP for collection and processing  
12 of correspondence for overnight delivery, and I caused such document(s)  
described herein to be deposited for delivery to a facility regularly maintained by  
FedEx for overnight delivery.

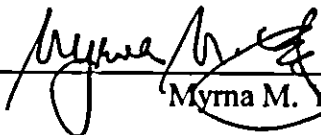
13 on the following part(ies) in this action:

14 Joshua Koltun, Esq.  
15 DLA Piper Rudnick Gray Cary US LLP  
16 153 Townsend Street, Suite 800  
San Francisco, CA 94107-1957

17 **Counsel for Doe Defendant**

18 I declare under penalty of perjury under the laws of the State of California that the above  
19 is true and correct.

20 Executed on November 28, 2005, at San Francisco, California.

21  
22   
23 \_\_\_\_\_  
Myrna M. Yee