

January 20, 2006

**THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION
ITEM FOR INFORMATION**

Subject: Litigation

January 2006

I. NEW CASES

Repligen Corporation and the Regents of the University of Michigan v Bristol-Myers Squibb. United States Federal Court for the Eastern District of Texas. (Filed January 6, 2006).

Repligen and the University filed suit against Bristol-Myers Squibb ("BMS") for infringement of a patent that is co-owned by the University and the Navy. The patent was licensed by the owners to Repligen Corporation. The patent, which issued in 2004, relates to methods of treating various diseases including arthritis and other autoimmune diseases. BMS' Orenzia product for the treatment of rheumatoid arthritis was approved on December 23, 2005.

II. RESOLUTIONS

Keith Yohn v Board of Regents of the University of Michigan, William Kotowicz, Robert Feigal, Marilyn Woolfolk, Merle Jaarda and Kenneth Stoffers. Michigan Court of Claims. (Judge Beverley Nettles-Nickerson) (Filed April 1, 2003).

Dr. Yohn, a professor in the Dental School, claims that he was deprived of an employment contractual right to assign a grade of "F" to two Dental School students. He alleges that Dean Kotowicz and members of the executive committee of the Dental School gave special treatment to the students, that ultimately a "W" grade was given to the students rather than the "F" assigned by Dr. Yohn and three other colleagues and that the students were given the opportunity to repeat the project. Dr. Yohn claims that the actions taken by the Dean and executive committee were done with malice toward him, with deliberate disregard for his contractual rights. He asks the court to order the University to post the "F" grades for the students, enjoin the defendants from interfering in his employment contractual rights, and damages. Plaintiff had previously filed a lawsuit on this issue in the federal court system; his complaint (and subsequent appeals) were dismissed. The University filed a motion for summary disposition which was granted by the court and the case was dismissed. Plaintiff filed a motion for reconsideration, which was denied by the court. Plaintiff filed a claim of appeal to the Michigan Court of Appeals. On April 20, 2005, the Court of Appeals affirmed the Court of Claims decision in favor of the University and all named defendants, agreeing with our argument that Plaintiff's claims in the state court are barred by *res judicata* because he should have raised those claims in his earlier federal action. Plaintiff filed an appeal to the Michigan Supreme Court, which was denied on December 1, 2005. This case is concluded.

III. CASE UPDATES

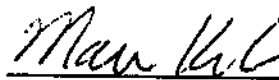
Afzal Hossain v Daniel Little, Board of Regents of the University of Michigan, Malayappan Shridhar and Subrata Sengupta. United States District Court for the Eastern District of Michigan. (Judge George Caram Steeh) (Filed August 31, 2005).

Plaintiff was hired as an Assistant Professor in the College of Engineering and Computer Science on the Dearborn campus. He claims that he was discriminated against while employed in that position and was ultimately denied tenure because of his national origin (Bangladesh) and religion (Muslim). Plaintiff's twenty-one counts include breach of contract, negligent training and supervision, infliction of emotional distress, religious and national origin discrimination, wrongful denial of tenure and hostile work environment. He seeks reinstatement, damages, attorney's fees, back wages and other relief. A motion to dismiss was filed on behalf of the defendants which was granted by Judge Steeh on December 20, 2005. The case was dismissed in its entirety without prejudice and plaintiff may re-file the case in State court.

Anita Stubbs v The University of Michigan. Washtenaw County Circuit Court. (Judge Melinda Morris) (Filed September 12, 2005). Michigan Court of Claims. (Judge Joyce Draganchuk) (Filed December 27, 2005).

Plaintiff is a former employee of the University. She claims that she had been off work on sick leave and that, when she was cleared by her physician to return to work, she was terminated. She alleges that she was terminated because of her condition and seeks damages, costs and attorney's fees. Plaintiff filed a companion case in the Michigan Court of Claims.

Respectfully submitted,



Marvin Krislov
Vice President and General Counsel

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