

**From:** Jeffrey.Fessel@kp.org

**Subject:** Dr Robert Shafer

**Date:** March 25, 2009 1:56:03 PM PDT

**To:** John L. Hennessy

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Dear Dr Hennessy

I am writing to you about our distinguished colleague, Dr Robert Shafer. I know that you are aware of the legal difficulties in which he finds himself with respect to the data base that he has so noteworthyly compiled and made freely available to treating clinicians and researchers worldwide. That data base reflects enormous credit on not only Dr Shafer but also on Stanford. It is cited in almost any publication that deals with HIV resistance mutations.

You are aware of the patent claims of ABL:

<<That which is claimed is: 1. A method for guiding the selection of a therapeutic treatment regimen for a patient with a known disease or medical condition, said method comprising: (a) providing patient information to a computing device comprising: a first knowledge base comprising a plurality of different therapeutic treatment regimens for said disease or medical condition; a second knowledge base comprising a plurality of expert rules for evaluating and selecting a therapeutic treatment regimen for said disease or medical condition; a third knowledge base comprising advisory information useful for the treatment of a patient with different constituents of said different therapeutic treatment regimens; and (b) generating in said computing device a ranked listing of available therapeutic treatment regimens for said patient; and (c) generating in said computing device advisory information for one or more therapeutic treatment regimens in said ranked listing based on said patient information and said expert rules.>>

For my part, I was both amazed and horrified when I read those patent claims. In brief, they assert that their patents restrict anyone else from using computers, in medical research into any condition whether HIV or any other medical disorder!!!

I believe that Dr Shafer was correct in resisting the claims made by ABL. In my view, the entire medical community should take pride in the fact that someone of Dr Shafer's stature was prepared to take a stand against those claims, which potentially threaten researchers in every area of medicine.

My personal interest in all of this lies in the fact that I have had a most productive relationship with Dr Shafer for many years because we have combined the HIV clinical information of ~4,500 HIV-infected patients who are members of the Kaiser Permanente Medical Care Program, N Cal, with their HIV genetic sequence information that was obtained in the Stanford laboratory. A large number of important publications have resulted from that collaboration and more are in progress. In addition, Dr Shafer has been a guru for many of us at Kaiser, including myself, and his help in interpretation of resistance patterns has been invaluable in our care of patients here at Kaiser Permanente. I hope that Stanford will see its way clear to helping Dr Shafer with both moral and financial support, in this suit that ABL has brought against him.

Sincerely,

W. Jeffrey Fessel, MD, FACP, FRCP

Emeritus Clinical Professor (UCSF).