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Dear Professor Zasloff,

I am writing this letter to clarify the issues arisen in a litigation case in the Japanese court.

In my capacity as an attorney *ad litem* in question, I am unable to provide particulars pertaining to my client or case information due to my obligation to maintain confidentiality.

In that case, the other party, in addition to extracting treatises and other works written by you, mentioned or referred to "comments made by professor Zasloff."
In that situation, cited "comments made by professor Zasloff" seems lack of grounds, thus truth value of the cited "comments" is now being contested.

It would be highly appreciated if you could cooperate to respond the following inquiry for truth value judgement of cited "comments."

In order to avoid unnecessary confusion or trouble with this inquiry, I have written these questions to enable an "yes-or-no" response for each.

Please check each of the two questions set forth on the attached sheet and return the attached sheet via fax or e-mail provided in this letterhead.

Thank you very much in advance for any cooperation you may be able to provide in this matter. Your response made by June 30 would be appreciated.

Respectfully yours,

Jun YAMAGISHI, Esq.

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<質問>

裁判の相手方が、裁判所に提出した主張書面の中で、「Zasloff 教授は、2002年に科学雑誌 Nature に発表した論文 (M.Zasloff:Nature,415,389(2002)) において「抗菌ペプチドを基にした薬剤に対する耐性の獲得は起こりそうにない」と主張していたが、3年後の2005年に、試験管で抗菌蛋白質により耐性菌が出現するのを確認し、自身の前記主張が誤りであったことを率直に認めた」と記載しておりますが、

1. Zasloff 教授が2002年に科学雑誌 Nature に発表した論文 (M.Zasloff:Nature,415,389(2002)) において「抗菌ペプチドを基にした薬剤に対する耐性の獲得は起こりそうにない」旨を記載したことは事実ですか。

<回答>

YES / NO

2. 上記1. において、「YES」の場合、「2005年に、Zasloff 教授において、上記主張が誤りであったことを率直に認めた」ことは事実ですか。

<回答>

YES / NO

DATE _____

Signature _____

(Attached Sheet)

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RESPONSE TO INQUIRIES

Underlying situations:

A party in this case has indicated in a written statement of the assertions submitted to the court as follows:

Professor Zasloff asserted in his paper published in 2002 in the science journal *Nature* (M. Zasloff: *Nature*; 415,389 (2002)) that: "It appears unlikely that resistance to drugs based on the use of antibacterial peptides will be obtained." However, three years later in 2005, he verified the appearance of resistant bacteria in test tubes due to antibacterial protein and candidly acknowledged that his aforementioned assertion made by himself was wrong.

Question 1: Is it true that you wrote something to the effect that "It appears unlikely that resistance to drugs based on the use of antibacterial peptides will be obtained" in a paper published in 2002 in the science journal *Nature* (M. Zasloff: *Nature*; 415,389 (2002))?

Answer: YES / NO

Question 2: If you answered YES to the foregoing Question 1, is it true that you "candidly acknowledged" in 2005 that the "aforementioned assertion made by yourself was wrong"?

Answer: YES / NO

DATE _____

Signature _____

Zasloff 教授

拝啓

現在、当職は、日本の裁判における訴訟代理人を務めておりますところ、当職に課せられた守秘義務の関係上、依頼人及び事件内容を詳述することはできませんが、当職が当該依頼人から受任している裁判の中で、裁判の相手方が、Zasloff 教授の論文等を引用した上で Zasloff 教授のコメント等を記載しております。そして、現在、当該裁判の相手方が記載する「教授のコメント等」が真に Zasloff 教授のコメントであるか否かについて争われております。

つきましては、ご多忙のこととは存じますが、下記質問にお答え頂ければ幸甚に存じます。なお、Zasloff 教授のお手間をとらせないよう、質問につきましては、あえて YES/NO で回答できるよう配慮させて頂いておりますので、2009年6月30日までにご回答いただければ幸甚に存じます。

別紙に記載された2つの質問につき、YES/NOのいずれかをご選択の上、ご署名頂き、当職ファクシミリ番号宛送信頂ければ幸いです。

ご協力のほど、何卒、宜しくお願いいたします。

敬具