

BEFORE THE  
INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE  
TO THE  
CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE  
ORGANIZED PURSUANT TO THE  
CALIFORNIA STEM CELL RESEARCH AND CURES ACT  
REGULAR MEETING

LOCATION: AS INDICATED ON THE AGENDA

DATE: OCTOBER 16, 2009  
3 P.M.

REPORTER: BETH C. DRAIN, CSR  
CSR. NO. 7152

BRS FILE NO.: 85794

## BARRISTERS' REPORTING SERVICE

### I N D E X

ITEM	DESCRIPTION	PAGE NO.
CALL TO ORDER		3
ROLL CALL		3
CONSIDERATION OF ADOPTION OF REMAINING CONSOLIDATED IP REGULARTIONS FOR FOR-PROFIT AND NONPROFIT GRANTEES		5

**BARRISTERS' REPORTING SERVICE**

1 FRIDAY, OCTOBER 16, 2009; 3:00 P.M.

2  
3 MS. HARWELL: RICARDO AZZIZ. ROBERT PRICE  
4 FOR ROBERT BIRGENEAU.

5 DR. PRICE: HERE.

6 MS. HARWELL: FLOYD BLOOM. DAVID BRENNER.  
7 WILLIAM BRODY.

8 DR. BRODY: HERE.

9 MS. HARWELL: SUSAN BRYANT.

10 DR. BRYANT: HERE.

11 MS. HARWELL: MARCY FEIT. MICHAEL  
12 FRIEDMAN.

13 DR. FRIEDMAN: HERE.

14 MS. HARWELL: LEEZA GIBBONS. MICHAEL  
15 GOLDBERG. SAM HAWGOOD. BOB KLEIN.

16 CHAIRMAN KLEIN: HERE.

17 MS. HARWELL: SHERRY LANSING. GERALD  
18 LEVEY.

19 DR. LEVEY: HERE.

20 MS. HARWELL: TED LOVE. ED PENHOET.

21 DR. PENHOET: HERE.

22 MS. HARWELL: PHIL PIZZO.

23 DR. PIZZO: HERE.

24 MS. HARWELL: CLAIRE POMEROY.

25 DR. POMEROY: HERE.

**BARRISTERS' REPORTING SERVICE**

1 MS. HARWELL: FRANCISCO PRIETO.

2 DR. PRIETO: HERE.

3 MS. HARWELL: CARMEN PULIAFITO. ROBERT  
4 QUINT.

5 DR. QUINT: HERE.

6 MS. HARWELL: JEANNIE FONTANA FOR JOHN  
7 REED. DUANE ROTH.

8 MR. ROTH: HERE.

9 MS. HARWELL: JOAN SAMUELSON. DAVID  
10 SERRANO-SEWELL. JEFF SHEEHY.

11 MR. SHEEHY: HERE.

12 MS. HARWELL: JON SHESTACK. OS STEWARD.  
13 ART TORRES.

14 MR. TORRES: HERE.

15 DR. STEWARD: I'M HERE. CAN YOU HEAR ME.

16 MR. HARRINGTON: LYNN, I THINK DR. DAFOE  
17 IS HERE FOR DR. AZZIZ.

18 DR. DAFOE: THAT'S CORRECT.

19 DR. BRENNER: I JUST ON A SECOND AGO.  
20 DAVE BRENNER.

21 CHAIRMAN KLEIN: OKAY. WHAT I'M GOING TO  
22 DO, IT SOUNDS LIKE WE'RE SLIGHTLY SHORT OF OUR  
23 QUORUM. WE'RE GOING TO START BECAUSE WE HAVE A  
24 LIMITED TIME AGENDA, AND I THINK PEOPLE WILL JOIN US  
25 AND WE'VE GONE THROUGH THIS ITEM BEFORE.

**BARRISTERS' REPORTING SERVICE**

1                   SO, SCOTT TOCHER, I THINK IF YOU COULD  
2 BEGIN BY DESCRIBING ITEM 3 FOR US, PLEASE.

3                   MR. TOCHER: SURE. CAN EVERYONE HEAR ME  
4 OKAY?

5                   SO WHAT WE HAVE, THEN, IS A CONTINUATION  
6 FROM OUR MEETINGS IN AUGUST AND SEPTEMBER. AND  
7 WE'RE WRAPPING UP NOW OUR IP CONSOLIDATION THAT WAS  
8 AUTHORIZED IN THE FALL OF LAST YEAR. YOU WILL  
9 RECALL FROM OUR MEETING IN SEPTEMBER, THE  
10 TELECONFERENCE, STAFF WAS SENT BACK TO NOODLE A  
11 COUPLE OF ISSUES. AND SO WE HAVE BROUGHT BACK, IN  
12 ADDITION TO THOSE THAT WERE BEFORE THE BOARD IN  
13 SEPTEMBER, ONE ADDITIONAL ISSUE THAT WAS ADDRESSED  
14 IN THE REGULATIONS THAT ARE PROPOSED BEFORE YOU  
15 TODAY. THAT IS ENCOMPASSED IN DECISION 6.

16                   SO I THOUGHT, SINCE WE ARE IN A HURRY AND  
17 WE ONLY -- WE'LL HAVE A QUORUM ONCE WE GET IT FOR A  
18 SHORT TIME, I WOULD TRY TO MOVE QUICKLY THROUGH  
19 THESE. I WOULD THAT NOTE ALL OF THESE -- ALL THE  
20 PROPOSED LANGUAGE AMENDMENTS THAT WE'RE CONSIDERING  
21 TODAY HAVE BEEN ADDRESSED MORE THOROUGHLY IN A MEMO  
22 THAT IS ACCOMPANYING THESE CHANGES HERE.

23                   CHAIRMAN KLEIN: MY UNDERSTANDING IS THAT  
24 MEMO IS AVAILABLE TO THE PUBLIC; IS THAT CORRECT?

25                   MR. TOCHER: THAT'S RIGHT. THAT'S BEEN

## BARRISTERS' REPORTING SERVICE

1 POSTED ON THE WEB SITE AND BEEN MADE AVAILABLE FOR  
2 THE REMOTE SITES AS WELL.

3 CHAIRMAN KLEIN: AND, DR. PENHOET, AS WE  
4 GO THROUGH THESE INDIVIDUAL ITEMS, PLEASE FEEL FREE  
5 TO INSERT YOUR COMMENTS AS THE HEAD OF THE TASK  
6 FORCE.

7 DR. PENHOET: WHY DON'T I SIMPLY BEGIN BY  
8 SAYING, IN RESPONSE TO THE CONCERNS RAISED AT THE  
9 LAST MEETING, WE HAVE ALTERED THE POLICY, AS YOU CAN  
10 SEE, IN A WAY WHICH WE THINK IS NOT MATERIAL, BUT  
11 MAKES IT SIGNIFICANTLY SIMPLER, AND IN CONFORMANCE  
12 WITH UC'S OWN POLICIES FOR HOW TO TREAT INVENTIONS  
13 BY THEIR OWN FACULTY AND OTHER EMPLOYEES. IN FACT,  
14 IT'S LESS RESTRICTIVE THAN THE UC POLICY AT THE  
15 MOMENT.

16 WE DID TAKE THE OPPORTUNITY TO DISCUSS  
17 THIS WITH BOTH DR. BRODY AND DR. BRYANT, AND I  
18 BELIEVE THAT THEY ARE NOW COMFORTABLE WITH THE NEW  
19 LANGUAGE WHICH, AS I SAID, IS EASIER TO UNDERSTAND,  
20 MUCH SIMPLER, AND EASIER FOR GRANTEES TO TRACK GOING  
21 FORWARD.

22 CHAIRMAN KLEIN: THANK YOU, DR. PENHOET.  
23 WITH THAT, WHAT I'D LIKE TO DO IS AS YOU GO THROUGH  
24 EACH ONE, SCOTT, I'D LIKE TO ASK IF THERE'S BOARD  
25 MEMBER COMMENTS ON THAT PARTICULAR ITEM BEFORE WE GO

**BARRISTERS' REPORTING SERVICE**

1 TO THE NEXT ONE. AND I WILL WAIT TILL WE GET TO THE  
2 END TO ASK FOR PUBLIC COMMENT AFTER WE'VE HAD A  
3 CHANCE TO GET SOME BOARD COMMENTS ON ALL OF THESE  
4 SINCE THERE'S INTERRELATIONSHIPS.

5 MR. TOCHER: ALL RIGHT. I THINK THERE WAS  
6 SOMEBODY WHO JOINED.

7 MS. HARWELL: DID SOMEONE JUST JOIN THE  
8 CALL OR DID WE LOSE SOMEONE?

9 DR. AZZIZ: RICARDO JUST JOINED THE CALL.  
10 I'M GOING TO PUT IT ON MUTE IN CASE THERE'S TOO MUCH  
11 NOISE. CAN YOU ALL HEAR ME?

12 CHAIRMAN KLEIN: WE CAN.

13 DR. AZZIZ: VERY GOOD.

14 CHAIRMAN KLEIN: OKAY. AND THANK YOU.  
15 AND, SCOTT.

16 MR. TOCHER: SO I'LL START --

17 MS. HARWELL: WHO JUST JOINED THE CALL?

18 DR. FONTANA: JEANNIE FONTANA.

19 MR. SHESTACK: JON SHESTACK.

20 MS. HARWELL: THANK YOU.

21 CHAIRMAN KLEIN: WE ARE GOING TO GO  
22 THROUGH EACH OF THESE ITEMS, TRY AND GO THROUGH THEM  
23 IN AN ABBREVIATED FASHION SINCE WE'VE BEEN THROUGH  
24 THEM BEFORE. AND AFTER EACH ONE, WE'RE GOING TO SEE  
25 IF WE HAVE BOARD COMMENTS. AT THE END WE'RE GOING

**BARRISTERS' REPORTING SERVICE**

1 TO HAVE PUBLIC COMMENTS. THANK YOU SO MUCH FOR  
2 JOINING. WE NEEDED YOU FOR THE QUORUM.

3 MS. HARWELL: YES. JUST SO YOU KNOW,  
4 CHAIRMAN, WE HAVE A QUORUM NOW.

5 CHAIRMAN KLEIN: THANK YOU. SCOTT.

6 MR. TOCHER: OKAY. ON PAGE 3 OF THE MEMO,  
7 DECISION 1, YOU WILL FIND THAT ALSO ON PAGE 3 OF THE  
8 DRAFT REGULATIONS, THIS PERTAINS TO CHANGES TO THE  
9 DEFINITION OF EXCLUSIVE LICENSEE. THESE ARE THE  
10 CHANGES THAT THE BOARD REQUESTED AS A RESULT OF  
11 DELIBERATION AT THE AUGUST MEETING. THIS ENSURES  
12 THAT THE EXCLUSIVE LICENSEE DEFINITION REACHES  
13 EXCLUSIVE LICENSEES, NOT JUST THOSE RECEIVING  
14 DIRECTLY FROM THE GRANTEE, GRANTEE PERSONNEL, OR  
15 COLLABORATOR.

16 THE BOARD ASKED STAFF TO GO TO A PRIOR  
17 NOTICED VERSION. AND THAT IS IN VERSION A. IN  
18 DOING SO, HOWEVER, IN PREPARING THIS FOR PUBLIC  
19 COMMENT, AT THE DIRECTION OF BOARD, WE NOTICED,  
20 HOWEVER, THAT THERE WAS ACTUALLY ANOTHER CHANGE THAT  
21 WE RECOMMENDED MAKING. AND THAT WAS TO MOVE SOME  
22 LANGUAGE AROUND BETWEEN THIS DEFINITION AND 611. SO  
23 WE NOTICED AN OPTION TO GIVE THE BOARD THE OPTION OF  
24 CONSIDERING THESE CHANGES THAT STAFF RECOGNIZED  
25 AFTER THAT MEETING.



## BARRISTERS' REPORTING SERVICE

1 SO WE HAVE AND WHAT WE'VE DONE IS THAT THE  
2 LANGUAGE YOU CAN SEE IN OPTION B, WHICH IS WHETHER  
3 BY ASSIGNMENT, LICENSE, OR OTHER MECHANISMS, WE  
4 RECOMMEND REMOVING THAT AND ADDRESSING THAT IN A  
5 STATUTE -- IN A REGULATION THAT'S FURTHER ON IN THE  
6 SERIES, REGULATION 611.

7 SO PER THE RECOMMENDATION AS DISCUSSED IN  
8 THE MEMO, WE WOULD RECOMMEND THAT THE BOARD ADOPT  
9 THE LANGUAGE OF OPTION A.

10 MS. HARWELL: WHO JUST JOINED THE CALL?

11 MR. TOCHER: SO, BOB, I THROW IT BACK TO  
12 YOU.

13 CHAIRMAN KLEIN: YES. SCOTT, IN THE  
14 ABSENCE OF ANYONE -- IN THE ABSENCE OF ANYONE  
15 INDICATING THEY HAD JOINED THE CALL, I'LL ASK ARE  
16 THERE ANY BOARD MEMBERS THAT ARE ALREADY INDICATING  
17 THEIR PRESENCE ON THE CALL WHO WOULD LIKE TO MAKE A  
18 COMMENT ON THIS ITEM?

19 DR. AZZIZ: I JUST HAD A QUICK QUESTION.  
20 SO YOU WILL HAVE THESE TWO OPTIONS, OPTION A AND  
21 OPTION B, FOR ITEM 6. AND THE QUESTION IS WHAT WAS  
22 THE FINAL STAFF RECOMMENDATION, A OR B? I WAS  
23 UNCLEAR.

24 MR. TOCHER: ALL RIGHT. DR. AZZIZ, I'LL  
25 SKIP TO DECISION 6. WE'RE ON NO. 1 RIGHT NOW ON

**BARRISTERS' REPORTING SERVICE**

1 PAGE 3, BUT THE RECOMMENDATION FOR DECISION 6, WHICH  
2 WE'LL DISCUSS IN A MOMENT, IS OPTION B.

3 DR. AZZIZ: THANKS. AND THEN YOU WERE ON  
4 DECISION 1, OPTION A OR OPTION B, AND THEN THAT ONE  
5 YOU'RE RECOMMENDATION WAS?

6 MR. TOCHER: OPTION A.

7 DR. AZZIZ: THANK YOU.

8 DR. PRIETO: MR. CHAIRMAN, WOULD IT BE  
9 APPROPRIATE TO ENTERTAIN A MOTION, OR ARE WE GOING  
10 TO WAIT AND DO THIS ALL EN BLOC?

11 CHAIRMAN KLEIN: I THINK UNLESS IT BECOMES  
12 COMPLICATED, WE'LL TRY AND DO IT EN BLOC. IF THERE  
13 ARE ITEMS THAT SEEM TO BE APPROPRIATE TO SEGREGATE  
14 OUT, THEN WE WILL SPLIT IT INTO SUBMOTIONS.

15 DR. PRIETO: OKAY.

16 CHAIRMAN KLEIN: SO LET'S SEE HOW THIS  
17 GOES. GO AHEAD, SCOTT, DECISION 2.

18 MR. TOCHER: ALL RIGHT. SO DECISION 2,  
19 WHICH IS ALSO DISCUSSED ON PAGE 4 OF THE MEMO AND  
20 CAN BE FOUND ON PAGE 6 OF THE DRAFT REGULATIONS, IS  
21 JUST A VERY SORT OF FINE MORE TECHNICAL AMENDMENT  
22 THAT WE PROPOSE FOUND IN OPTION A TO THE DEFINITION  
23 OF NONEXCLUSIVE LICENSE. AND REALLY WE JUST  
24 RECOMMEND IT'S CLEANER THAT WE DELETE THE WORD  
25 "OTHER" AND INSTEAD USE THE WORDS "ONE OR MORE

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1 ENTITIES" AND BELIEVE THAT THAT'S ACTUALLY A MORE  
2 ACCURATE DEFINITION OF A NONEXCLUSIVE LICENSE.

3 DR. BRYANT: I'D JUST SAY ONE THING. YOU  
4 MEAN ONE OR MORE OTHER ENTITIES IN ADDITION TO  
5 THE -- I WASN'T SURE ABOUT THAT WHEN I READ IT  
6 WHETHER IT SHOULD BE ONE OR MORE ENTITIES OR OTHER  
7 ENTITIES.

8 MR. TOCHER: WELL, THE PROBLEM WITH THAT  
9 WAS THE PRIOR DRAFT IT SEEMED TO SUGGEST THAT OTHER  
10 ENTITIES, THE OTHER IN THE PLURAL, THAT THERE NEEDED  
11 TO BE AT LEAST TWO. AND SO WE WANTED TO MAKE CLEAR  
12 THAT YOU COULD STILL HAVE A NONEXCLUSIVE LICENSE  
13 WHETHER THERE WAS ONE OR MORE.

14 DR. BRYANT: OKAY. ALL RIGHT. FINE. I'M  
15 FINE WITH IT.

16 MR. TOCHER: OKAY.

17 CHAIRMAN KLEIN: ALL RIGHT. ARE THERE ANY  
18 BOARD COMMENTS ON THIS ITEM?

19 MR. TOCHER: ALL RIGHT. AND, AGAIN, THE  
20 STAFF RECOMMENDATION THERE IS TO GO WITH OPTION A  
21 FOR DECISION 2.

22 CHAIRMAN KLEIN: ALL RIGHT. FOR DECISION  
23 3, SCOTT.

24 MR. TOCHER: ALL RIGHT. DECISION 3, WHICH  
25 IS DISCUSSED ON PAGE 5 OF THE MEMO, CAN BE FOUND ON

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1 PAGE 11 ON MY COPY OF THE DRAFT REGULATION. THIS  
2 WAS A HELPFUL SUGGESTION BY UC AND OTHER  
3 PARTICIPANTS. AND THIS HAS TO DO WITH IN THE  
4 CONTEXT OF LICENSING AND ASSIGNMENT OF CIRM-FUNDED  
5 INVENTIONS AND TECHNOLOGIES, THERE IS A REQUIREMENT  
6 IN SUBDIVISION H THAT THE GRANTEE NOTIFY -- OUR  
7 GRANTEE NOTIFY CIRM IN THE EVENT OF A MATERIAL  
8 BREACH OF ANY LICENSING AGREEMENT BETWEEN OUR  
9 GRANTEE AND A THIRD PARTY.

10 THERE WAS HELPFUL LANGUAGE THAT WAS  
11 PROPOSED THAT WOULD MAKE IT SORT OF A MORE  
12 REASONABLE SCOPE. AND THAT LANGUAGE IS REFLECTED  
13 THERE, THAT WE NO LONGER NEED TO BE NOTIFIED OF  
14 ABSOLUTELY ANY POSSIBLE MATERIAL BREACH, BUT REALLY  
15 THOSE THAT SIMPLY AFFECT THE OBLIGATIONS UNDER THE  
16 REGULATIONS, WHICH MAKES SENSE. I THINK THAT THIS  
17 PRESERVES CIRM'S ABILITY TO MONITOR COMPLIANCE WITH  
18 OUR REGULATIONS AND YET DOESN'T OVERBURDEN OUR  
19 GRANTEES WITH UNNECESSARY REPORTING TO CIRM.

20 AND SO WE -- THE STAFF RECOMMENDS MAKING  
21 THAT AMENDMENT AS WELL.

22 CHAIRMAN KLEIN: ANY BOARD COMMENTS ON  
23 THIS ITEM? HEARING NONE, SCOTT, DECISION 4 AND 5.

24 MR. TOCHER: SURE. AND THAT'S THE LAST  
25 PAGE OF THE REGULATIONS AND DISCUSSED ON PAGES 5 AND

## BARRISTERS' REPORTING SERVICE

1 6 OF THE MEMO, PAGE 5 AT LEAST, AND THIS IS RELATED  
2 BACK TO THE CHANGE WE DISCUSSED IN DECISION 1.  
3 REALLY WHAT THAT LANGUAGE IN THAT DEFINITION IN 601  
4 WAS TALKING ABOUT LICENSES. SO WE REMOVED  
5 ASSIGNMENTS, WHICH ARE REALLY DIFFERENT FROM  
6 LICENSES, DIFFERENT TYPES OF CONVEYANCES OF RIGHTS,  
7 AND PUT IT HERE INTO 611. AND THESE AMENDMENTS ARE  
8 NECESSARY TO ENSURE THAT NO INADVERTENT LOOPHOLE  
9 THAT MIGHT HAVE BEEN CREATED WITH A PRIOR VERSION  
10 THAT THE BOARD REJECTED IN AUGUST IS NO LONGER IN  
11 PLACE.

12 SO WE RECOMMEND IN BOTH -- MAKING THE  
13 AMENDMENTS IN DECISION 4 AND 5 TO INCLUDE THE TERM  
14 "ASSIGNMENT" AND ALSO TO REFERENCE EXCLUSIVE  
15 LICENSEE IN DECISION 5 WITH REGARD TO THE SCOPE OF  
16 THE REGULATION'S REQUIREMENTS. AND THIS IS REALLY A  
17 CONFIRMING CHANGE, AS I SAID, TO IMPLEMENT THE  
18 BOARD'S AUGUST DETERMINATION.

19 CHAIRMAN KLEIN: OKAY. ANY BOARD COMMENT?  
20 THANK YOU. DECISION 6, SCOTT.

21 MR. TOCHER: DECISION 6, AS ED MENTIONED A  
22 MOMENT AGO, IS THE AMENDMENT THAT WAS BROUGHT ABOUT  
23 BASED ON OUR LAST BOARD MEETING IN SEPTEMBER WHEN WE  
24 CONSIDERED THESE. AND WHAT WE'VE DONE IS TAKEN TO  
25 HEART THE RECOMMENDATIONS THAT THIS DEFINITION OF

## BARRISTERS' REPORTING SERVICE

1 CIRM-FUNDED INVENTION COULD BE WRITTEN MORE CLEARLY.

2 AND SO WHAT WE'VE DONE IS IN OPTION A,  
3 THAT'S SIMPLY PRESERVING THE LANGUAGE THAT THE BOARD  
4 SAW BEFORE IN SEPTEMBER. AND OPTION B IS THE  
5 RECOMMENDED REDRAFTING. AND THIS REDRAFTING, I  
6 THINK, MAKES IT CLEAR WHAT THE SCOPE OF THE INTENDED  
7 BREACH OF OUR REGULATION, AND ALSO MAKES IT CLEAR  
8 THAT INVENTIONS THAT ARE CONCEIVED PRIOR TO A CIRM  
9 GRANT, IF IT'S NOT REDUCED TO PRACTICE DURING THE  
10 GRANT PERIOD, THEN OUR REGULATIONS WILL NOT APPLY.  
11 AND THAT WAS BASED ON THE RECOMMENDATION WITH REGARD  
12 TO THE POLICIES OF UC AND OTHER INSTITUTIONS.

13 CHAIRMAN KLEIN: SO, DR. BRODY, MY  
14 UNDERSTANDING IS THAT THIS IS CONSISTENT WITH YOUR  
15 RECOMMENDATIONS; IS THAT CORRECT?

16 DR. BRODY: THAT'S CORRECT.

17 CHAIRMAN KLEIN: AND DR. BRYANT?

18 DR. BRYANT: THAT'S CORRECT.

19 CHAIRMAN KLEIN: OKAY. ANY OTHER BOARD  
20 COMMENTS? HAVING NO OTHER BOARD COMMENTS, I'D LIKE  
21 TO ASK IF THERE IS PUBLIC COMMENT ON ANY ONE OF  
22 THESE ITEMS? AND I'D LIKE TO START BY ASKING IN SAN  
23 FRANCISCO IS THERE ANY PUBLIC?

24 MS. HARWELL: THERE'S NO PUBLIC IN SAN  
25 FRANCISCO.

## BARRISTERS' REPORTING SERVICE

1 CHAIRMAN KLEIN: OKAY. SO I'M GOING TO GO  
2 REGIONALLY AND ASK IS THERE ANY PUBLIC IN THE DAVIS  
3 AREA?

4 DR. POMEROY: NO PUBLIC.

5 CHAIRMAN KLEIN: IS THERE ANY PUBLIC IN  
6 THE LOS ANGELES AREA?

7 DR. FONTANA: NO PUBLIC.

8 CHAIRMAN KLEIN: IS THERE PUBLIC IN THE  
9 SAN DIEGO AREA?

10 MR. ROTH: NO.

11 DR. BRENNER: NO.

12 CHAIRMAN KLEIN: IS THERE ANY PUBLIC AT  
13 ANY OF THE SITES THAT I HAVE NOT SPECIFICALLY  
14 REFERENCED BY REGION?

15 DR. PIZZO: I CAN'T BELIEVE THAT YOU  
16 MISSED THE STANFORD AREA.

17 DR. BRYANT: OR THE IRVINE AREA.

18 CHAIRMAN KLEIN: I WAS TRYING TO CALL ON  
19 THE SITES THAT THE PUBLIC OFTEN SHOWS UP IN.

20 DR. PIZZO: MY COMMENT STILL APPLIES.

21 CHAIRMAN KLEIN: ALL RIGHT. SO WITH NO  
22 PUBLIC COMMENT, THERE WOULD BE A MOTION IN ORDER. I  
23 WOULD ASK, SCOTT, WOULD YOU PLEASE SUMMARIZE THE  
24 MOTION AS IT WOULD INCORPORATE THE STAFF  
25 RECOMMENDATIONS, AND THEN LET'S SEE IF THERE'S

**BARRISTERS' REPORTING SERVICE**

1 SOMEONE WHO WOULD LIKE TO MAKE THAT MOTION.

2 MR. TOCHER: YES. THE STAFF  
3 RECOMMENDATIONS, I'LL JUST SUMMARIZE VERY QUICKLY,  
4 AS TO DECISION 1 AND 2, THEY ARE TO ADOPT THE  
5 OPTIONAL LANGUAGE FOUND IN OPTION A.

6 IN DECISIONS 3 THROUGH 5, IT IS TO ADOPT  
7 THE RECOMMENDED AMENDMENTS.

8 AND IN DECISION 6 IT IS TO TAKE THE  
9 LANGUAGE IN OPTION B.

10 CHAIRMAN KLEIN: ALL RIGHT. AND IS MR.  
11 HARRISON --

12 DR. PRIETO: SO MOVED.

13 CHAIRMAN KLEIN: -- WOULD YOU LIKE TO ADD  
14 ANYTHING TO THAT?

15 MR. HARRISON: I THINK THAT SUMMARIZES IT.

16 CHAIRMAN KLEIN: ALL RIGHT. IS THERE  
17 ANYONE WHO WOULD LIKE TO MAKE THE MOTION AS STATED  
18 BY MR. TOCHER?

19 DR. PRIETO: I'LL SO MOVE.

20 DR. BRYANT: SECOND.

21 CHAIRMAN KLEIN: COULD THE MAKER AND THE  
22 SECOND PLEASE IDENTIFY THEMSELVES BY NAME FOR THE  
23 TRANSCRIPT?

24 DR. PRIETO: THIS IS FRANCISCO PRIETO. I  
25 MADE THE MOTION.



**BARRISTERS' REPORTING SERVICE**

1 DR. BRYANT: SECOND. SUSAN BRYANT.

2 CHAIRMAN KLEIN: ALL RIGHT. MOTION HAS  
3 BEEN MADE AND SECONDED. I'D LIKE TO CALL THE ROLL.

4 MS. HARWELL: RICARDO AZZIZ.

5 DR. AZZIZ: YES.

6 DR. DAFOE: ARE WE NOT VOTING ON THE  
7 WHOLE --

8 CHAIRMAN KLEIN: WE'RE VOTING ON THE WHOLE  
9 THING.

10 DR. DAFOE: -- PLATFORM? YES.

11 MS. HARWELL: ROBERT PRICE.

12 DR. PRICE: YES.

13 MS. HARWELL: DAVID BRENNER.

14 DR. BRENNER: YES.

15 MS. HARWELL: WILLIAM BRODY.

16 DR. BRODY: YES.

17 MS. HARWELL: SUSAN BRYANT.

18 DR. BRYANT: YES.

19 MS. HARWELL: MICHAEL FRIEDMAN.

20 DR. FRIEDMAN: YES.

21 MS. HARWELL: BOB KLEIN.

22 CHAIRMAN KLEIN: YES.

23 MS. HARWELL: GERALD LEVEY.

24 DR. LEVEY: YES.

25 MS. HARWELL: ED PENHOET.

**BARRISTERS' REPORTING SERVICE**

1 DR. PENHOET: YES.  
2 MS. HARWELL: PHIL PIZZO.  
3 DR. PIZZO: YES.  
4 MS. HARWELL: CLAIRE POMEROY.  
5 DR. POMEROY: YES.  
6 MS. HARWELL: FRANCISCO PRIETO.  
7 DR. PRIETO: YES.  
8 MS. HARWELL: ROBERT QUINT.  
9 DR. QUINT: YES.  
10 MS. HARWELL: JEANNIE FONTANA.  
11 DR. FONTANA: YES.  
12 MS. HARWELL: DUANE ROTH.  
13 MR. ROTH: YES.  
14 MS. HARWELL: JEFF SHEEHY.  
15 MR. SHEEHY: YES.  
16 MS. HARWELL: OS STEWARD.  
17 DR. STEWARD: YES.  
18 MS. HARWELL: ART TORRES.  
19 MR. TORRES: AYE.  
20 MR. HARRISON: LYNN, I THINK YOU HAVE  
21 JONATHAN SHESTACK ON THE LINE AS WELL.  
22 MR. SHESTACK: YES.  
23 MS. HARWELL: THANK YOU.  
24 CHAIRMAN KLEIN: ANYONE ELSE IS ON THE  
25 LINE THAT WE MISSED? HEARING NONE, MY

## BARRISTERS' REPORTING SERVICE

1 UNDERSTANDING, MR. HARRISON, IS THAT WE HAVE A  
2 QUORUM AND THIS IS PASSED?

3 MR. HARRISON: THAT IS CORRECT. NINETEEN  
4 YES VOTES, ZERO NO VOTES.

5 CHAIRMAN KLEIN: OKAY. SO WITH THAT, I'D  
6 LIKE TO ASK IS THERE ANY GENERAL PUBLIC COMMENT FROM  
7 ANY SITE THAT WOULD LIKE TO BE MADE AT THIS TIME?  
8 HEARING NONE, I'D LIKE TO THANK SCOTT TOCHER FOR  
9 YOUR WORK, DR. PENHOET FOR YOU WORK ON THIS, AND  
10 SCOTT'S MEMO AND PRESENTATION. AND WE'LL ADJOURN.  
11 AND I WOULD INDICATE THAT WE'VE STAYED WITHIN OUR  
12 PROJECTED TIME AND THANK YOU FOR THE EFFICIENCY OF  
13 THE MEETING AND EVERYONE'S ATTENDANCE.

14 (THE MEETING WAS THEN ADJOURNED.)

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**BARRISTERS' REPORTING SERVICE**

**REPORTER'S CERTIFICATE**

I, BETH C. DRAIN, A CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT OF THE TELEPHONIC PROCEEDINGS BEFORE THE INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE OF THE CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE IN THE MATTER OF ITS REGULAR MEETING HELD ON OCTOBER 16, 2009, WAS HELD AS HEREIN APPEARS AND THAT THIS IS THE ORIGINAL TRANSCRIPT THEREOF AND THAT THE STATEMENTS THAT APPEAR IN THIS TRANSCRIPT WERE REPORTED STENOGRAPHICALLY BY ME AND TRANSCRIBED BY ME. I ALSO CERTIFY THAT THIS TRANSCRIPT IS A TRUE AND ACCURATE RECORD OF THE PROCEEDING.

BETH C. DRAIN, CSR 7152  
BARRISTER'S REPORTING SERVICE  
1072 BRISTOL STREET  
SUITE 100  
COSTA MESA, CALIFORNIA  
(714) 444-4100

**BARRISTERS' REPORTING SERVICE**

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