

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY

Office of University Counsel
3550 Beardshear Hall
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515 294-5352
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January 21, 2010

Patti Waller
Marler Clark
6600 Columbia Center
701 Fifth Avenue
Seattle, WA 98104

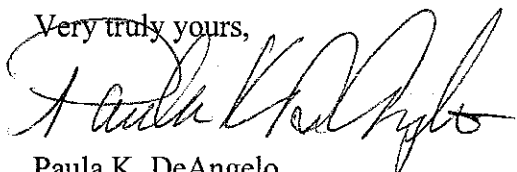
Re: Public Records Request

Dear Ms. Waller:

Iowa State University has completed gathering the documents that it believes are responsive to the public records request you made in your letter of November 19, 2009. Approximately 1,650 documents were gathered.

Iowa State University, however, received service today of a Petition for Injunction filed by Beef Products, Inc. and BPI Technology, Inc. A copy of the Petition for Injunction is enclosed. Accordingly, Iowa State University will withhold producing the documents until it receives further direction from the court. If you wish to intervene in this action or withdraw your public records request, please let me know.

Very truly yours,



Paula K. DeAngelo
Associate Counsel

Enc.

cc: John M. Bickel
Richard C. Garberson
Diane Stahle

RECEIVED

JAN 21 2010

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

OFFICE OF UNIVERSITY COUNSEL

BEEF PRODUCTS, INC and BPI)
 TECHNOLOGY, INC.,)
)
 Plaintiffs,)
)
 vs.)
)
 IOWA STATE UNIVERSITY OF SCIENCE)
 AND TECHNOLOGY,)
)
 Defendant.)

Equity No: EQCV045745

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT:

You are hereby notified that there is now on file in the office of the Clerk of the above Court a Petition for Injunction in the above entitled action, a copy of which Petition for Injunction is attached hereto. The Plaintiff's attorneys are John M. Bickel and Richard C. Garberson, Shuttleworth & Ingersoll, P.L.C., whose address is 115 3rd Street SE, Ste 500, P.O. Box 2107, Cedar Rapids, IA 52406-2107.

You are further notified that unless, within 20 days after service of this Original Notice upon you, you serve, and within a reasonable time thereafter file a Motion or Answer, in the Iowa District Court for Story County, at the Courthouse in Nevada, Iowa, judgment by default will be rendered against you for the relief demanded in the Petition.

Wissam J. Tott *GA*

CLERK OF STORY COUNTY COURT
 Story County Courthouse
 Nevada, Iowa

NOTE: The attorney who is expected to represent the Defendant should be promptly advised by the Defendant of the service of this Notice.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your ADA coordinator at 1-421-0990 . If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

RECEIVED

JAN 21 2010

IN THE IOWA DISTRICT COURT FOR STORY COUNTY OFFICE OF UNIVERSITY COUNSEL

BEEF PRODUCTS, INC, (EIN: 41-1865943);
and BPI TECHNOLOGY, INC. (EIN: 94-
2740498),

Plaintiffs,

vs.

IOWA STATE UNIVERSITY OF SCIENCE
AND TECHNOLOGY

Defendant.

Equity No: EQ00045745

PETITION FOR INJUNCTION

FILED
STORY CO., IOWA
2010 JAN 21 AM 10:02
CLERK OF COURT
NEVADA, IOWA

Plaintiffs state:

1. Plaintiff Beef Products, Inc. is a Nebraska corporation authorized to and doing business in the state of Iowa. Plaintiff BPI Technology, Inc. is a Delaware corporation authorized to and doing business in the state of Iowa. Plaintiffs are hereinafter collectively referred to as "BPI."

2. Defendant Iowa State University of Science and Technology (ISU) is a higher education institution of the state of Iowa.

3. BPI engaged the services of Dr James S. Dickson PhD, in his individual capacity and not as an employee or representative of ISU, to perform certain testing and analysis relating to BPI's patented production and production processes. This included research and development activities, scientific testing in controlled settings with various pathogens that were intentionally introduced into selected specimens which were subjected to processing variations to affirm the integrity of existing BPI patented processes, assessing alternative processes, evaluating new processes, and

seeking improvements in existing BPI processes and procedures. The work of Dr. Dickson was performed pursuant to a Non Disclosure Agreement.

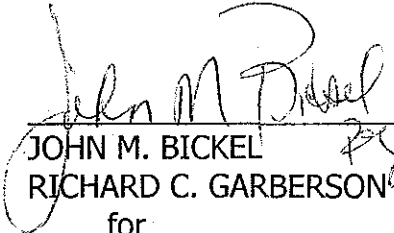
4. All the work performed pursuant to this independent contractor relationship, including testing, test results, evaluation, assessment, and/or analysis thereof, is proprietary, confidential, constitutes valuable trade secrets of BPI pursuant to law, and any records or documents created as a result thereof are the property of BPI and not ISU.

5. A third party, has requested from ISU materials which would or could include some or all of the confidential, trade secret and proprietary information of BPI as set forth above. The disclosure of said information would disclose and divulge confidential trade secrets of BPI and would cause irreparable injury to BPI for which BPI has no adequate remedy at law. Such disclosure is prohibited by Chapter 22, Code of Iowa.

6. The information sought is: the exclusive property of BPI; and if not BPI's property, is a confidential record under Section 22.7 Code of Iowa and must be kept confidential and not disclosed to the public or third parties. Upon hearing the Court should enter an order enjoining ISU from providing to any third party any of the records or other information of BPI/Dr Dickson as described above

WHEREFORE, Plaintiffs pray for the entry of a permanent injunction restraining Defendant, and Defendant's agents and employees, from disclosing any documentary materials, under Chapter 22, Code of Iowa, or otherwise, which reveal, relate to, or in

any way disclose or document any testing and/or analysis-related activities undertaken by or on behalf of BPI; for such other relief as may be equitable; and for the costs of this action.



JOHN M. BICKEL AT0000962
RICHARD C. GARBERSON AT0002798
for

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