

Message

From: Brad Wolfsen [Brad.Wolfsen@safeway.com]
Sent: 4/22/2010 6:56:06 PM
To: Elizabeth Holmes [/O=Theranos Organization/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EHOLMES]; Ken Shachmut [ken.shachmut@safewayhealth.com]
CC: Sunny Balwani [/O=Theranos Organization/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SBALWANI]
Subject: RE: Request to Share Information with Outside Counsel

Elizabeth,

Thank you for the clarification. I had forgotten that that list was a the composite of current and future tests..

I think that at some point we'd like to revisit the discussion on urine and potentially feces. I raised that point to Steve and he suggested that we work up a "complete" solution prior to deciding that these tests are out of scope. He was concerned that anything less would make diverting test to us more complicated for the physicians. With that in mind, we are looking into how those materials might be handled in our retail environment.

Thanks again,

Brad

From: Elizabeth Holmes [mailto:eholmes@theranos.com]
Sent: Thursday, April 22, 2010 11:33 AM
To: Brad Wolfsen; Ken Shachmut
Cc: Sunny Balwani
Subject: RE: Request to Share Information with Outside Counsel

Brad –

This is fine, but that list is not an accurate reflection of the tests we will actually make available in the stores – that list is the library we provide for our pharmaceutical clients clinical trials.

Some of the protein markers on that list are being multiplexed into proprietary panels (what we called diagnostic and predictive tests) that will be 510(k) reviewed and then CLIA-waived directly.

The list of tests you compiled of the total tests actually run by Safeway employees would be a better list for this purpose as we will multiplex the blood, saliva, and nasal tests onto "general chemistry panels" matching existing CPT codes to be run at Safeway. The way we make it possible to run those general chemistry panels with our devices makes them CLIA-waivable for the first time.

For clarity, we're assuming that all urine, feces, and PAP smear tests will be run at physicians' offices using Theranos devices.

Elizabeth.

From: Brad Wolfsen [mailto:Brad.Wolfsen@safeway.com]
Sent: Thursday, April 22, 2010 11:09 AM
To: Elizabeth Holmes; Ken Shachmut
Cc: Sunny Balwani
Subject: Request to Share Information with Outside Counsel

Elizabeth,

I've received a request from our lawyers to send the "Selected Assays from the Theranos Assay Library" to our outside counsel who is assisting with the CLIA and state regulations research. Our legal team believes that it's important to provide this information since, in

their words, "some of the tests will be subject to CLIA and state regulations that govern lab tests that are "moderate" or "highly" complex". We would like to send to them by secure email.

I wanted to confirm that this was acceptable to you, or if you would prefer that we handle this differently. Please let me know at your earliest convenience.

Thanks,
Brad

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