

From: [Bill Rooney](#)
To: ["Slovacek, Jackie"](#)
Subject: RE: Proposed Conference Call
Date: Tuesday, September 01, 2009 7:45:00 AM

Jackie:

I can step out for either.

bill

Dr. William L. Rooney
Professor, Sorghum Breeding and Genetics
Chair, Plant Release Committee
Texas A&M University
College Station, Texas 77843-2474
979 845 2151

-----Original Message-----

From: Slovacek, Jackie [mailto:j-slovacek@tamu.edu]
Sent: Tuesday, September 01, 2009 7:32 AM
To: McCutchen, Bill; rharris@silverpalate.com
Cc: wlr@tamu.edu; pharris@silverpalate.com
Subject: RE: Proposed Conference Call

Bob and Peter:

Please let me know if any of the following dates/time work with you for a conference call:

Tomorrow, September 2nd 9-10 am
September 3rd 9-11 am and 2:30 pm – 5:00 pm

Please let me know ASAP if either of these dates work with your schedules and I would be happy to set up this conference call.

Thanks
Jackie

Jackie Slovacek
Assistant to the Associate Director
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979.845.7980
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From: McCutchen, Bill
Sent: Monday, August 31, 2009 6:18 PM
To: 'rharris@silverpalate.com'
Cc: 'wlr@tamu.edu'; 'pharris@silverpalate.com'; Slovacek, Jackie
Subject: Proposed Conference Call

Bob and Peter,

I think it would be prudent for the 4 of us to have a telecon sometime this week (the earlier the better) to discuss several items - opportunities and previous issues. This way we can hopefully align thoughts and expectations on how we might proceed, and make sure we are not wasting anyone's valuable time or resources.

Does this sound reasonable? If so I will ask Jackie to arrange the timing/logistics.

Thanks,

Bill

From: Robert M. Harris <rharris@silverpalate.com>
To: McCutchen, Bill
Cc: Bill Rooney <wlr@tamu.edu>; Lloyd Rooney <lrooney@tamu.edu>; Turner, Nancy; Peter Harris <pharris@silverpalate.com>
Sent: Mon Aug 31 17:56:50 2009
Subject: Re: meeting on September 8 at 4 PM at MDACC

We always believed that and that is why we want to be associated with you. I finally realized that there is a point of difference in our basic plan of action. That explains why you are wanting "significant" funding from a corporate partner (and we want you to avoid that and allow us to do a major clinical study (FDA accepts no animal studies). My feeling is that MDA should pay its own way if they get funding while we supply product and pay for consumer support. Our idea, Bill, is to not expect a miracle cure from sorghum of any type but to include it in a dietary approach of "balanced" ANTIOXIDANTS. This is the only grain to offer that benefit and to create a dietary program for patients and non-patients alike involving high levels of fruit, vegetables, whole grains and sorghum bran. I proposed to Anderson that we use each current drug trial and feed half the patients on the antioxidants (the other half normal diet) and then switch halves.

Yes, you are right it is worth finding out if sorghum is a miracle cure or miracle prevention therapy but chances are, the antioxidant total diet is a better bet to win the competition and the testing procedure. Thanks for your understanding.

Bob

On 8/31/09 6:27 PM, "McCutchen, Bill" <bmccutchen@tamu.edu> wrote:

Bob,

The other factors are many, but having and RD Alliance (and PR) with Texas AM, National Sorghum Producers and perhaps MD Anderson might be significant to marketing as well - especially if we secured the Cancer Grant.

Let me assure you and Peter and based on most recent history, we will be true collaborators to include setting objectives, milestones, etc as well as protecting IP. We now have a very good track record.

Bill

From: McCutchen, Bill
To: Robert Harris <rharris@nj.rr.com>
Cc: Peter B. Harris <peter@silverpalate.com>; Bill Rooney (wlr@tamu.edu) <wlr@tamu.edu>; Slovacek, Jackie
Sent: Mon Aug 31 15:46:50 2009
Subject: RE: meeting on September 8 at 4 PM at MDACC

Bob,

We can discuss, and yes let's try to set a meeting. I would like to include Bill and Lloyd Rooney in these discussions, and we are also trying to make contact with MD Anderson through our other collaborator Nancye Turner – who will be conducting cell line and animal studies at A&M. Would like her to attend as well; so that we are all on same page.

I have cc'd Jackie to see if we can arrange a time to talk and/or set up a meeting as you propose.

Bill

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From: Robert Harris [<mailto:rharris@nj.rr.com>]
Sent: Monday, August 31, 2009 1:19 PM
To: McCutchen, Bill
Cc: Peter B. Harris
Subject: Re: meeting on September 8 at 4 PM at MDACC

Keep in mind, Bill that MDACC also wants us to help them sponsor clinical testing. With the pressure to launch the advertising and marketing of a new line to the consumer and research that may or may not relate to that research activity, my thought would be for you to meet with MD Anderson on the 8th of September with us and, perhaps, meet with us beforehand in Houston to negotiate how best we can work together and make important contributions to the state as well as the nation.

Much of the research that could have great credibility with the world at large would be MD Anderson medical research - or at least to consider that possibility. Although cancer therapy and prevention is not directly related to our project, we are interested in helping make gains in that area. Since MDACC would possibly be a major partner with both you and us, is that not something that should be considered by the University?

This morning, a research oncologist stated that he believes a 3-way partnership can jointly get more funding from the state (with whom they also have been in contact) for a clinical cancer study - or at least to explore it. I'm willing if you are. Let us talk.

Bob

----- Original Message -----

From: McCutchen, Bill <<mailto:bmccutchen@tamu.edu>>

To: Robert Harris <<mailto:rharris@nj.rr.com>>

Cc: Peter B. Harris <<mailto:peter@silverpalate.com>>

Sent: Monday, August 31, 2009 1:53 PM

Subject: RE: meeting on September 8 at 4 PM at MDACC

Robert,

With the recent TX Cancer Initiative, we are indeed looking for a potential corporate partner to sponsor R&D especially as it relates to the characterization of different sorghum extracts and their potential anti-cancer – therapeutic and/or preventative components. This proposed R&D would also look at other health factors. At this time there are 3 primary PIs that will conduct characterization to include cell-culture and animal studies here at A&M. I think we are clear on the sorghum lines. The bottom-line is that we are seeking significant sponsored RD (funding) to leverage as a match to RFP, which will also include matching \$ from Texas A&M. If you and SilverPalate sponsored this R&D you would more than double your investment and have first rights to any IP property developed.

Thanks,

Bill

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From: Robert Harris [<mailto:rharris@nj.rr.com>]

Sent: Monday, August 31, 2009 11:31 AM

To: McCutchen, Bill

Cc: Peter B. Harris

Subject: meeting on September 8 at 4 PM at MDACC

I will call you but wanted to give you time to think about the issues. When Peter called me on a trip to Washington to say you would not be continuing the discussions with us since you were looking for a corporate partner to go after state funding, we regretted that decision but went on about our business. That included:

1. Completing our product and market plan development.

2. Introducing our Grain Berry line in test markets. (Kroger approved all seven SKUs) for test marketing as well as other retailers.

3. Discussion with MDACC for testing our products - with no particular motivation about state funding at that time. However, MDACC was very aware of that program and was intending to pursue it. We have a meeting set up for September 8 and I would like to invite your attendance to explore the opportunity without making a final determination.

4. Discussion with Dr. Kenneth Hayes of Brandeis University to do animal testing of our products with no final decision at this time.

I'm attaching one of the latter discussions we had with Peter with his comments in blue and ours in red. Since we could not seem to get together based on our successful experience with licensing in the past, we finally proposed a straight royalty program with minimum guarantee to allow the Rooney's to hire help in their endeavors. That is more than we had with Brandeis who earned major royalties on Smart Balance sales with no guarantees on volume or level of royalty.

Be assured, we have no argument about your owning the sorghum lines you develop and have developed. Quite the contrary is the case.

I will call you.

Bob