

EXHIBIT H

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MINUTES OF STATEMENTS

On May 13, 2014, 9:00 am. Prof. Dr. Mario J. A. Saad appeared at the meeting room of the Directorate of the Institute of Chemistry, before the enquiry commission, established by Ordinance GR-S n. 6, as of April 22, 2014, aiming at clarifying the notes made by the Diabetes magazine, which refer to the articles "Physical Exercise Reduces Circulating Lipopolysaccharide and TLR4 Activation and Improves Insulin Signaling in Tissues of DIP Rats" (*Diabetes* 2011, 60, 784-796) and "Loss of Function Mutation in Toll-Like Receptor 4 Prevents Diet induced Obesity and Insulin Resistance" (*Diabetes* 2007, 56, 1986-1998).

Prof. Saad requested the participation of his group's associated researchers, Dr. Daniele M. L. Tsukumo, first author of the Diabetes study, 2007 and Dr. Kelly Lima Calisto in the session, aiming at providing clarifications related to the immunoblotting experiments, object of argumentation by the Subcommittee on Ethical Scientific Publications of the American Diabetes Association, through professor Christian S. Kohler. The commission agreed with the participation of the two researchers in the first part of the meeting.

At the presence of the Commission President and its members, after being enquired about the facts, Prof. Saad made a power point presentation at which he presented and discussed the digitalized versions of the gels that gave origin to Prof. Kohler's argumentations. Prof. Saad summarized the answers to each of the arguments, which shall be submitted to the commission in writing, based upon the information obtained from the researchers that worked during the performance of the experiments and on the laboratory records.

As far as the argumentations raised in the study published in the Diabetes in the year of 2007, Prof. Saad admitted the practice of splicing of the immunoblotting bands, but he highlighted that the reordering of

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such to make up figure 3 and figures 5-8, as highlighted by prof. Kohler, was made, aiming at making data presentation clearer and to enable the discussion of the results, but that involved always bands of a same gel. He highlighted that in the referred study there were more splicing cases than those appointed by Prof. Kohler and that they always involved bands from a same gel. He also affirmed that such practice did not compromise the conclusions presented in the referred study, and that only as from 2011, the publication adopted the recommendations followed by the Journal of Cell Biology (<http://jcb.rupress.org/site/rmic/fora.xhtml>), as far as the manipulation of digitalized images, thus recommending that images that had been assembled, should be made as from bands of the same gel, and that spaces or a line between the bands should be left, highlighting that they were the result of splicing. Otherwise, the publication admits the practice, but took the actions so that it became explicit.

As far as the duplication of bands 1, 3 and 7 which is presented in figure 3B of the Diabetes 2007 article, Prof. Saad admitted the occurrence of the duplication, however that this was not due to a purposeful manipulation, but because of an accidental mix-up of digital files stored in the computer. The commission recognized when analyzing the original image of the gel, that if the correct bands are inserted, there are no alterations of the resulting conclusion of such figure. Prof. Saad attributed the mistake to the internal technical sector of his faculty, created to give assistance to the teaching staff with their publication, which is not made up by researchers. As for the other cases of image duplication, highlighted by prof. Kohler in the above article (Figures. 3D 5E and 8E), Prof. Saad presented the digitalized images of the original gels and, based on the inspection of such images, he demonstrated that they are not identical, thus refuting the affirmation of prof. Kohler that a duplication of immunoblotting images might have occurred in such cases.

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As for the publication in the Diabetes 2011, Prof. Saad admitted the mistake in fig. 7D at which the negative bands (control treatments, bands 1, 3, 5 and 7) referred to another study that used liver tissue, while the data of such figure are related to the blotting of muscle tissue. On the duplication of bands between figs. 7D and 7E, Prof. Saad show that the second figure is correct and presented the original gel that must be considered in fig. 7D. As far as fig.3D of the same article that would be duplicated in the study of the same group published in PLOS One, 2010, Prof. Saad admitted that fig. 3D published in the Diabetes is the correct one and that fig. 4D published in PLoS One 2010 is incorrect. He also informed that he has already forwarded PLoS One Editor an erratum for such figure, being careful to repeat the experiment that originated the new figure.

It was stated by the president that a term of 72 hours was set so that declarant as he may wish, present evidences that may better clarify the facts. There being nothing further to discuss, this document was signed by the members of the commission and by the declarants.

Mario A. J. Saad

Daniela M. L. Tsukumo

Kelly Lima Calisto

Jacks Jorge Junior

MINUTES OF STATEMENTS

On June 9, the inquiry commission gathered again in the meeting room of the Institute of Chemistry at 4:00 pm, with the presence of Doctored Professors Jose Rocha Gontijo and Licio Velloso, members of the commission of Good Practices of the Medical Science Faculty who were mentioned by Prof. Saad in his letter of March 24 to Dr. Kohler as having been present to his laboratory to verify data related to the study published in PLoS One 2010 ("Atorvastatin improves survival in septic rats: effect on tissue inflammatory pathway and on insulin signaling") and *Diabetes* 2011 ("Physical Exercise reduces circulating lipopolysaccharide and TLR4 activation and improves insulin signaling in tissues of DIO rats").

After being clarified on the reason of the invitation, the argumentations sent by Dr. Kohler of the American Diabetes Association, regarding the possibility of scientific malpractice in two published articles over that period by the group of Prof. Dr. Mario Saad, Prof Licio confirmed that he had really carried out an evaluation of the situation along with Prof. Gontijo, while the members of the Good Practices research commission of the Medical Science Faculty explained that they went evaluate the article published in the PLoS One magazine, and not the articles of the *Diabetes*, but that they had the opportunity to verify the *modus operandi* of the laboratory of Prof. Mario research group.

When questioned on what were the conclusions of such evaluation, Prof. Gontijo informed that after inspecting and talking with the members of the group, they concluded that the general results of the research are valid; that evidences of dishonesty on the side of the group was not found, but that indeed mistakes had occurred in the treatment of the digital images of the

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work and in the identification methods, storage and manipulation of the laboratory images. Professors Gontijo and Licio said they had the opportunity to evaluate the original films of the gels but that they had not examined the minute books and that an exchange of different tissue images had occurred in the control samples, but not related to the study group. They concluded that the scientific results are valid, that they were not compromised by the mistakes cited, and highlighted that article was extensively mentioned by literature (73 quotes in Scopus database, on June 13 2014), validating the results practically without argumentations. They affirmed that various research groups used the conclusions of that article, based upon the research lines with many years of activities and publications. They concluded also that there were management problems of laboratory data at that time and that Prof. Mario recognized such problems, promising then to place efforts to adapt the work methodology and personnel management. They believe that there was no scientific loss and that they had sent a report at the time to PLOS One. Prof. Pilli requested a copy of the referred report to add to the process, with which they both agreed. There being nothing further to discuss, this document was signed by the members of the commission and by the declarants.

José Antonio Rocha Contijo

Licio Velloso

MINUTES OF STATEMENTS

On June 16, the enquiry commission gathered again, in room D-353, at 4:00 pm, with the presence of Doctored Professor Alexandre G. Oliveira first author "Physical Exercise reduces circulating lipopolysaccharide and TLR4 activation and improves insulin signaling in tissues of DIO rats' study, published in the Diabetes in the year of 2011.

Doctor Alexandre informed that figure 3D of the referred study is correct and corresponds to the original experiment blotting and alleged not having knowledge about this figure, and that even in rearranged manner it had been published again in PLoS One 2010. He recognized that he used bands of liver tissue to make up Figure 7D (negative bands or without stimulus with insulin) and that this forth came from oral presentation in the *Congresso Paulista de endocrinologia e metabologia / São Paulo Congress of Endocrinology and Metabology* in 2009. He declared also that Prof. Saad had no knowledge of such practice when this study was submitted to Diabetes 2011.

Dr. Alexandre informed also that the digitalized version of the blottings were stored in the same computer of the laboratory and that there was a technician at the laboratory that helped in the final assembling of the figures in the Core Draw for publication. When asked if he had received any orientation regarding Good Laboratory Practices as far as the treatment of images and storage of experiment data, he declared that he had not received any and that he had learned from the procedures practiced by most experienced colleagues of the laboratory.

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There being nothing further to discuss, this document was signed by the members of the commission and by the declarants. It was informed by the president that the declarant had 48 hours to add new information to his statements.

Alexandre G Oliveira

José Jorge Junior

Paulo Mazzafera

Ronaldo Aloise Pilli

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FINAL REPORT

The Inquiry Commission was established by Ordinance GR-S no 6, as of the 22 April 2014, proceeded with the assessment work related to the notes made by the Diabetes magazine referred to the articles "Physical Exercise Reduces Circulating Lipopolysaccharide and TLR4 Activation and Improves Insulin Signaling in Tissues of DIP Rats" (*Diabetes* 2011, 60, 784-796) and "Loss of Function Mutation in Toll-Like Receptor 4 Prevents Diet-induced Obesity and Insulin Resistance" (*Diabetes* 2007, 56, 1986-1998). Having the commission established, the following declarants were heard.

Declarants:

Prof. Dr. Mario J. A. Saad Dr.
Daniela M. L. Tsukumo Dr.
Kelly Lima Calisto
Prof. Dr. Jose Antonio Rocha Gontijo
Prof. Dr. Licio Velloso
Dr. Alexandre G. Oliveira

This contains the following documents:

- Signed Minutes of Statements by the deponents and members of the Inquiry Commission.
- Document forwarded by Prof. Dr. Mario Saad, which contains clarifications on the argumentations raised by Dr. Kohler.
- Document forwarded by Prof. Dr. Jose Antonio Rocha Gontijo, Good Practices research commission of the Medical Science Faculty, to the Senior Editor of PLoS One Periodicals.

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The following actions were carried out:

- analysis of the studies above mentioned by the members of the inquiry commission according to the notes made by Dr. Kohler, American Diabetes Association
- hearing of the deponents
- analysis of the document forwarded by Prof. Saad to inquiry commission.

As far as the argumentations raised by Dr. Kohler, American Diabetes Association, the commission verified that concerning the study published in the Diabetes 60:784-796, 2011:

- the bands that appear in Figure 7D (bands 1, 3, 5 and 7) were presented in an incorrect manner, since they were withdrawn from a different experiment at which muscle tissue was used.

- Figure 7E is correct and there are duplicated bands in figure 7D that are also present in figure 7E. The electronic file for figure 7D was presented by Prof. Saad

- Figure 4B in the study of PLoS One is not correct and figure 3D in the study published in the Diabetes 2011 is correct.

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Regarding the study published in the Diabetes 56:1986-1998, 2007, the commission concluded that:

there was splicing in figures 3, 5, 6 , 7 and 8 as raised in the letter of Dr. Kohler and that the splicing involved bands of a same gel, not altering the conclusions presented in the referred study.

- There was duplication for bands 1, 3 and 7 of figure 3B

- It was not possible to confirm the duplications of figures 3 D , SE and 8E even after analyzing the digitalized versions of the original gels.

In summary, the Commission concluded that:

- problems related to identification, storage, and manipulation of the gel images occurred in the mentioned laboratory, during the period, which the studies were developed and submitted to publications. Some of the image manipulation options adopted by the researchers and technicians of the laboratory during that period were not adequate, which resulted in the mistakes described in the articles mentioned.

- although the image manipulation practices adopted in that laboratory over that period were of a common use in molecular biology laboratories around the world, they are no longer acceptable currently, having been deemed as inadequate in referential journals around the world, such as the Nature (2005, 434:952-3 and 2006, 439:891), Journal of Cell Biology (2004, 166:11-5) e Diabetes (2012, 61:38-9).

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- despite identification, storage and manipulation mistakes of the images, evidences indicate that there was not an intention in the actions of the authors of the articles.

- the two articles published in the Diabetes periodical, reason for Dr. Kohler's text, and PLoS One article counted respectively with 372, 34 and 73 quotes in Scopus database, accessed on June 13, 2014, most of them agreeing with the conclusions of the articles. Considering that the hardest evidence for any scientific theory is the evaluation, after publication, by the scientific community that repeats numerous times the methodologies of the articles in various laboratory environments and against various levels of counterproof, this commission concluded that the results published have their own strength, are healthy and were not artificially strengthened by the incorrect images.

Notwithstanding, the commission considers that:

- it is strongly recommendable that the identification, storage and manipulation protocols of scientific images which are adopted by the concerned laboratory are reviewed, such as for example that a safety system is established for these images, involving at least two different media in two distinguished places for the archiving of the images,

- that the manuscripts are carefully monitored by the senior researcher, if possible by more than one experienced researcher, at independent environments and times as an additional assurance that mistakes as such are not repeated.

- that the students and researchers periodically undergo courses / workshops in ethics and good research practices, specially as far as the manipulation of images and research data.

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Prof. Dr. Jacks Jorge Junior

Prof. Dr. Paulo Mazzafera

Prof. Dr. Ronaldo A. Pilli

Cidade Universitaria "Zeferino Vaz, June 26, 2014



Campinas June 30, 2014

To the Rector Magnificus
Prof. Dr. José Tadeu Jorge

Rector Magnificus.

After the closing of the activities of the Inquiry Commission dully established by Ordinance GR n. 6, as of April 22, 2014, I hereby submit to the office of the Rector for the appropriate actions.

Yours sincerely,

Ronaldo Aloise Pilli



ROCURADORIA GERAL -- UNICAMP
UNICAMP - ATTORNEY GENERAL OFFICE
Cidade Universitária "Zeferino Vaz" -- Distrito de Barão Geraldo
CEP 13083-874 – Campinas

Position PG n. 1841/2014
Process n. 01 P – 7723 -2014
Interested party: Rector's office
Subject: Administrative Inquiry. Notes made by the Diabetes Magazine. Legal analysis.

Dear Sir, Chief University Attorney General

The administrative inquiry was proceeded in the present records which aimed at investigating eventual scientific malpractice, related to the manipulation and image duplications in articles: "Loss of Function Mutation in Toll- Like Receptor 4 Prevents Diet-induced Obesity and Insulin Resistance" (pages 19/31), and Physical Exercise Reduces Circulating Lipopolysaccharide and TLR4 Activation and Improves Insulin Signaling in Tissues of DIO Rats" (pages 32/56).

The Commission dully established through Ordinance GR n. 6/204 (p. 03), collected statements (i) of Prof. Dr. Mario Saad, responsible person for the laboratory where the research which gave origin to the articles was carried out (pages. 59/62), that enclosed the document of pages 63/85 of (ii) Doctored Professors José Rocha Contijo and Licio Veloso, Good Practices Research commission members of the Medical Science Faculty (pages 86/88), who presented a document of page 89 and (iii) of Alexandre Oliveira (pages 90/91).

The data analysis presented allowed the d. Commission to reach the following conclusions:

1 - As far as the study published in Diabetes 60:784-796, 2011:

- the bands that appear in Figure 7D were presented in an incorrect manner, since they were withdrawn from a different experiment at which muscle tissue was used.
- Figure 7E is correct and there are duplicated bands in figure 7D that are also present in figure 7E;
- Figure 4B in the PLOs One Study is not correct and Figure 3D in the study published in the Diabetes 2011 is correct.

2 - Regarding the study published in the Diabetes 56:1986-1998, 2007



PROCURADORIA GERAL – UNICAMP
UNICAMP - ATTORNEY GENERAL OFFICE
Cidade Universitária “Zeferino Vaz” – Distrito de Barão Geraldo
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- there was splicing in figures 3, 5, 6, 7 and 8 as raised in the letter of Dr. Kohler and that the splicing involved bands of a same gel, not altering the conclusions presented in the referred study.
- There was duplication for bands 1, 3 and 7 of Figure 3B
- It was not possible to confirm the duplications of figures 3D, 5E and 8E even after analyzing the digitalized versions of the original gels.

In light of this, the commission a d. understood that:

- problems related to identification, storage, and manipulation of the gel images in the laboratory of Prof. Dr. Mario Saad's group, where the studies were conducted. It was also considered that some of the image manipulation options adopted by the researchers and technicians of the laboratory during that period of the study were not adequate, which resulted in the mistakes described in the articles mentioned.
- although the image manipulation practices adopted in that laboratory over that period were of a common use in molecular biology laboratories around the world, they are no longer acceptable currently, having been deemed as inadequate in referential journals around the world, such as the Nature, Journal of Cell Biology and Diabetes.
- despite identification, storage and manipulation mistakes of the images, evidences indicate that there was not an intention in the actions of the authors of the articles.
- the articles repercussions were positive in the scientific community with numerous quotes in this regard, which allows the commission to affirm that the studies published have their own strength, are healthy and were not artificially strengthened by the incorrect images.

Based upon such conclusions, it recommends (i) that the identification, storage and manipulation protocols of scientific images are reviewed, (ii) monitoring of manuscripts by more than one experienced researcher, at independent environments and times, as an additional assurance that mistakes as such are not repeated, and (iii) periodical training of students and researchers in ethics and good research practices, specially as far as the manipulation of images and research data.

From the analysis of the records and final report, I understand that the records are not proceeded satisfactorily, since from such there are not the minutes of establishment of the inquiry commission, designation and signed commitment of the secretary and the convening notices for the deponents.



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As it regards the final report, I understand that it must expressly state if there any infringement was committed or not, identifying it in a positive case. As in accordance with this conclusion, it must be suggested one of the referrals foreseen in ESUNICAMP clause 188, namely: the filing of the records, opening of administrative and disciplinary proceedings and the application of penalties.

Moreover, the measures to be taken as referred to these articles, thus the object of investigation must be suggested

Therefore, I suggest that the records are returned to the inquiring commission for complementation and proceedings.

For this reason, I suggest the sending of the records to the Institute of Chemistry for the attention of Prof. Ronaldo Aloise Pilli, President of the Commission.

Hence, this is the legal opinion, subjected to censorship, or other opinions.
General Office, July 03, 2014

Attorney

Angela de Noronha Bignami
University advising attorney

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**MINUTES OF THE ESTABLISHMENT OF
THE INQUIRY COMMISSION**

On April 30 2014, at a meeting in room D-355 of the Institute of Chemistry, the Inquire Commission was established by Ordinance GR-S n. 6, as of the 22 April 2014. In the in the presence of all its members, it was decided to dispatch the convening notices for the testimonials, upon the due dates and times there established , aiming at better clarifying the facts.

Campinas, on April 30, 2014.

Ronaldo Aloise Pilli

Jorge Jacks Junior

Paulo Mazzafera

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CONVENING

PROF. DR. MARIO SAAD

**FACULTY OF MEDICAL SCIENCES
DIRECTOR**

The president of the inquiry commission established by ordinance GR-S n. 06/14, hereby summons you to appear before this commission to make statements, aiming at ascertaining notes made by the Diabetes magazine, which refer to articles: "Physical Exercise Reduces Circulating Lipopolysaccharide and TLR4 Activation and Improves Insulin Signaling in Tissues of DIP Rats", published in *Diabetes* **2011**, *60*, 784-796 and "Loss of Function Mutation in Toll- Like Receptor 4 Prevents Diet-induced Obesity and Insulin Resistance", published in *Diabetes* **2007**, *56*, 1986-1998.

Therefore, you must appear at the meeting room of the Directorate of the Institute of Chemistry on 5/13/2014, at 9:00 am, when you can present documents that you may deem most pertinent to clarify the facts.

Cidade Universitária Zeferino Vaz, on April 2014.

Prof. Dr. Ronaldo Aloise Pilli

Aware,

Prof. Dr. Mario Saad



Cidade Universitária Zeferino Vaz, August, 12, 2014

Dr Otacilio Machado Ribeiro

Chief University Attorney General

Attorney General,

As it regards position PG in 1841/2014, which refers to process 01P7723-2014, the inquiry commission gathered upon this date in room D-355 of the Institute of Chemistry, and it hence declares that there was not necessarily an intention on the actions which motivated the opening of this inquiry and that the methodology mistakes investigated did not compromise the results of publications under analysis. It is therefore considered that no infringement was committed whatsoever to justify the opening of administrative and disciplinary proceedings, or the application of penalties, and thus recommends the filing of the records.

We inform that this commission did not judge as necessary the designation of a secretary.

Ronaldo Aloise Pilli

Jorge Jacks Junior

Paulo Mazzafera

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PROCURADORIA GERAL – UNICAMP
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Cidade Universitário “Zeferino Vaz” – Distrito de Barão Geraldo
CEP 13083-874 – Campinas SP

Position n. 2331/2014

Process n. 01 P – 7723 -2014

Interested party: Rector’s office

Subject: Administrative Inquiry. Notes made by Diabetes Magazine. Complementation of the final report. Legal analysis

To the Chief University Attorney General

The records return to this Attorney General Office, included with the minutes of the establishment the inquiry, the convening notices sent (pages 102/108) and the complementation of the final report (page 109), in accordance with Position N. 2331/2014 (pages 98/100).

Through the complementation of the final report ad. The commission expressly stated its understanding that no infringement has been committed to justify the opening of disciplinary proceedings or the application of penalties and therefore suggests the conclusion of the procedures.

It also informs that there was no secretary appointed to assist on the work underway.

I observe however, that a d. the Commission did not suggest actions to be taken, regarding the responsible periodicals for the notes that justified the opening of the inquiry now under analysis.

Overall, the records are correctly informed and may be considered suitable to be submitted to the decision of the instituting authority, the Rector Magnificus (page 03), after provisions, in direct transit.

Considering what had already been observed, I hereby submit to the appreciation of this d. Leadership, suggesting the sending of the records to the d. IQ, for the attention of Prof. Ronaldo Aloise Pilli.

Procuradoria Geral / Attorney general office, August 2014.

Angela de Noronha Bignami

University advising attorney

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DISPATCH N. 6327/2014
POSITION N. 2331/2014
REF.: PROCESS N. 7723/2014 -1 -1.

In agreement.

To d. the Directorate of the Institute of Chemistry - IQ for provisions.

Procuradoria Geral /The Attorney General Office, on August 21, 2014.

Octacílio Machado Ribeiro
Chief University Attorney