

# Exhibit 3

Exhibit GVC  
05-12237-WGY

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0304 EST+  
GENETICS INBSN

230948219 GENETICS INBSN  
CHUGAI PHARM TOKYO 11TH JAN 1984

CONFIDENTIAL SUBJECT TO  
PROTECTIVE ORDER C.A.NO.87-  
2617-Y (D.C.MA.), C.A.NO.87-  
07200TJH (D.C.CA.) GI 45,480

ATTN. MR M. YANG

THANKS FOR YOUR TLX OF 6TH. THE NEWS " AMGEN-THE FIRST TO CLONE  
EPO- WAS RECEIVED HERE WITH A SERIOUS CONCERN BECAUSE WE  
CONSIDERED THE FIRST CLONING OF EPO AT YOUR INSTITUTE AS A  
CONTINGENT CONDITION TO SPONSOR THE PROJECT.  
WE ASSUME THAT AMGEN'S FIRST CLONING OF EPO IS CERTAINLY  
PATERNABLE AND IT WILL SERIOUSLY DAMAGE COMMERCIAL INTEREST  
OF OTHER EPO PROJECTS INCLUSIVE OF YOURS.  
WE URGENTLY NEED TO MAKE A THOROUGH REVIEW OF THE INFORMATION  
AND SITUATION.

- 1) PLS PROVIDE US DETAILED INFORMATION CONCERNING AMGEN'S  
CLOSING OF EPO, TOGETHER WITH THE SOURCE OF NEWS AND ITS  
CREDIBILITY. IF PUBLISHED, PLS PROCURE A COPY OF THE SAME.
- 2) PLS LET US KNOW YOUR OPINION/TECHNICAL EVALUATION OF  
AMGEN'S ACHIEVEMENT AND THEIR POSSIBLE PATENT COVERAGE.
- 3) IS THERE ANY TECHNICAL ALTERNATIVE TO PROCEED YOUR EPO  
PROJECT AND ENABLE US TO COMMERCIALIZE EPO WITHOUT PATENT  
CONFLICT WITH AMGEN? GENETICALLY ENGINEERING OF PRO-  
ERYTHROPOIETIN OR ISO-EPO (PLS REFER TO THE FOLLOWING  
LITERATURES) MAY BE ONE OF THE EXAMPLES.  
  
AB GOULD ET AL, J LAB CLIN MED, VOL 96, 523, 1980  
H OHKUBO ET AL, PROC NATL. ACAD. SCI(USA), VOL 80, 2196, 1983
- 4) YOU HAVE INITIATED AND CARRIED OUT EPO PROJECT AS SELF-FUNDED  
RESEARCH SO FAR. WONDER IF YOU FILED PATENT FOR CLONING  
OF EPO. IS THERE ANY POSSIBILITY THAT YOUR INSTITUTE  
MADE THE FIRST INVENTION (IN TERMS OF U.S. PATENT SYSTEM)  
PRIOR TO CLONING OF EPO BY AMGEN.
- 5) IN CASE THE ABOVE 3) AND 4) ARE NEGATIVE, IS IT POSSIBLE  
FOR YOU TO MAKE REASONABLE LICENSE ARRANGEMENTS WITH AMGEN  
(WHOSE SPONSOR IS ABBOTT IN OUR UNDERSTANDING) SO AS TO  
ENABLE US TO PROCEED YOUR EPO PROJECT.  
WOULD APPRECIATE YOUR EARLY REPLY.

BEST REGARDS  
SADAHIRO

PS: WILL COMMENT ON YOUR TLX OF 16TH DECEMBER SEPARATELY  
+  
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REPLY VIA ITT

Plaintiff's Exhibit 48

**PLAINTIFF'S  
EXHIBIT**  
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