

Exhibit 4

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
Clerk's Office
U.S.D.C. Mass.
Date 7-23-09
By [Signature]
Deputy Clerk

AMGEN, INC.,

Plaintiff,

v.

CHUGAI PHARMACEUTICAL CO., LTD.
and GENETICS INSTITUTE, INC.,

Defendants.

Magistrate Patti B. Saris

Civil Action No. 87-2617-Y

STIPULATION CONCERNING ADMITTED EXHIBITS

It is hereby stipulated and agreed between the plaintiff Amgen, Inc. ("Amgen"), and the defendants Genetics Institute, Inc. ("GI"), and Chugai Pharmaceutical Co., Ltd. ("Chugai") that the following list represents all plaintiff's and defendants' exhibits admitted during trial¹:

PLAINTIFFS' EXHIBITS:

- PX 2
- PX 2A
- PX 3
- PX 3A
- PX 5
- PX 5A
- PX 5B
- PX 6
- PX 7
- PX 8
- PX 9 (Left side only admitted)
- PX 9A (Left side only admitted)
- PX 10 (Left side only admitted)
- PX 13

¹ * indicates exhibits not introduced through a witness;
** indicates exhibits introduced through Bertolini by agreement.

AM 17 016599
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

PX 13A
PX 18 (Only portions read)
PX 19
PX 30
PX 33
PX 36
PX 37A
PX 38
PX 39
PX 40
PX 41
PX 43
PX 48
PX 49
PX 50
PX 63
PX 63(19)
PX 63(20)
PX 63(21)
PX 63(29)
PX 63(31)
PX 63(38)
PX 63(39)
PX 63(41)
PX 63(43)
PX 63(44)
PX 63(46)
PX 63(47)
PX 63(48)
PX 63(50)
PX 66
PX 67
PX 68
PX 69
PX 80
PX 170C
PX 207
PX 261
PX 266
PX 280
PX 288
PX 297
PX 298
PX 299
PX 300
PX 301
PX 302
PX 303
PX 304
PX 305
PX 306
PX 307
PX 308
PX 309

PX 310
PX 311
PX 314
PX 315
PX 317
PX 318
PX 319
PX 320
PX 321
PX 322
PX 323
PX 324
PX 328
PX 330
PX 331
PX 335
PX 337
PX 338
PX 339
PX 344
PX 346
PX 348
PX 349
PX 350
PX 500
PX 501
PX 501A
PX 501B
PX 501C
PX 501D
PX 501E
PX 501F
PX 501G
PX 501H
PX 501I
PX 501J
PX 501K
PX 501L
PX 501M
PX 501N
PX 501O
PX 501P
PX 501Q
PX 501R
PX 501S
PX 501T
PX 501U
PX 501V
PX 501W
PX 501X
PX 501Y
PX 501Z
PX 501AA
PX 501AB

PX 501AC
PX 501AD
PX 501AE
PX 501AF
PX 501AG
PX 501AH
PX 501AI
PX 501AJ
PX 502
PX 503
PX 504
PX 506
PX 507
PX 508
PX 509
PX 512
PX 513
PX 514
PX 515
PX 518
PX 519
PX 520
PX 525
PX 526
PX 527
PX 527A
PX 528
PX 529
PX 530
PX 531
PX 532
PX 534
PX 536
PX 538
PX 539
PX 540
PX 541
PX 543
PX 544
PX 545
PX 546
PX 552*
PX 553*
PX 554*
PX 555*
PX 556*
PX 557*
PX 558*
PX 559*
PX 560*
PX 561*
PX 562*
PX 563*
PX 564*

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AM 17 016602
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343661

PX 565*
PX 566*
PX 567*
PX 568*
PX 569*
PX 570*
PX 571*
PX 572*
PX 573*
PX 574*
PX 575
PX 576*
PX 577*
PX 578*
PX 579
PX 582
PX 587
PX 588
PX 589
PX 590
PX 591
PX 592
PX 593
PX 594
PX 595
PX 596
PX 597
PX 598
PX 599
PX 600
PX 601
PX 602
PX 603
PX 604
PX 605
PX 606
PX 607
PX 608
PX 610
PX 614
PX 615
PX 619 (Excluding marginal notes except those identified by
Eisen)
PX 621
PX 622
PX 623
PX 625
PX 626
PX 627
PX 628
PX 629
PX 631
PX 632
PX 633

AM 17 016603
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

PX 633A
PX 635
PX 636
PX 637
PX 638
PX 639
PX 640
PX 641
PX 642
PX 643
PX 645
PX 645A
PX 646
PX 647
PX 648
PX 649
PX 650
PX 651
PX 652
PX 653
PX 654
PX 654A
PX 655
PX 656
PX 657
PX 659
PX 660
PX 667
PX 668
PX 669
PX 670
PX 671
PX 672
PX 673
PX 675
PX 678
PX 681
PX 682
PX 683
PX 685
PX 689
PX 690
PX 691
PX 694
PX 696
PX 699
PX 700
PX 701
PX 702
PX 703
PX 705
PX 709
PX 710
PX 711

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AM 17 016604
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343663

PX 716
PX 721
PX 722
PX 723
PX 724
PX 725
PX 731
PX 731A
PX 744
PX 745
PX 746
PX 747
PX 748
PX 750
PX 752
PX 753
PX 755
PX 756
PX 757
PX 759
PX 760
PX 764
PX 766
PX 767
PX 770
PX 771
PX 772**
PX 774**
PX 776
PX 777
PX 778
PX 780
PX 781
PX 782
PX 783
PX 784
PX 785**
PX 786
PX 788**
PX 789**
PX 790**
PX 791
PX 792**
PX 793**
PX 794
PX 795**
PX 796**
PX 798**
PX 800** (Last two pages excluded)
PX 801
PX 802
PX 807
PX 808
PX 809

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AM 17 016605
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343664

PX 811
PX 812
PX 813
PX 820A
PX 821
PX 821A
PX 822
PX 823
PX 824
PX 825
PX 826
PX 829
PX 830
PX 831
PX 832
PX 833
PX 834
PX 835
PX 837
PX 838
PX 840
PX 841
PX 843
PX 863
PX 864
PX 865
PX 866
PX 867
PX 868
PX 871
PX 872
PX 873
PX 874
PX 875
PX 876
PX 877
PX 877A
PX 879
PX 880
PX 881
PX 882
PX 883
PX 884
PX 885
PX 886

DEFENDANTS' EXHIBITS:

DX 4
DX 7
DX 10*
DX 11*
DX 14*
DX 15

AM 17 016606
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

DX 16*
DX 17*
DX 18*
DX 19
DX 20
DX 21
DX 22
DX 23
DX 24
DX 25
DX 26
DX 27
DX 28
DX 29
DX 30
DX 31
DX 32
DX 33
DX 34
DX 35
DX 36
DX 37*
DX 38*
DX 39*
DX 40*
DX 41*
DX 42*
DX 43
DX 44
DX 45*
DX 46*
DX 47
DX 48
DX 55
DX 68
DX 71
DX 80
DX 83
DX 84
DX 85
DX 86
DX 91
DX 95
DX 121
DX 122
DX 124
DX 131
DX 133
DX 136
DX 144
DX 145
DX 151
DX 154
DX 155

DX 156
DX 157
DX 163
DX 175
DX 176
DX 183
DX 185
DX 189
DX 200
DX 203
DX 203A
DX 204
DX 207
DX 209
DX 210
DX 211
DX 213
DX 214
DX 216
DX 219
DX 220
DX 225
DX 226
DX 227
DX 229
DX 230
DX 234
DX 235
DX 236
DX 240
DX 243
DX 244*
DX 245*
DX 246*
DX 247*
DX 248*
DX 249*
DX 250*
DX 251*
DX 252*
DX 253*
DX 254*
DX 255*
DX 256*
DX 257*
DX 258*
DX 259*
DX 260*
DX 261*
DX 262*
DX 263*
DX 264*
DX 265*
DX 266*

-10-

AM 17 016608
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343667

DX 267*
DX 268*
DX 269*
DX 270*
DX 271*
DX 272*
DX 273*
DX 274*
DX 275*
DX 276*
DX 277*
DX 278*
DX 279*
DX 280*
DX 281*
DX 282*
DX 283*
DX 284*
DX 285*
DX 289*
DX 290*
DX 291
DX 293
DX 294
DX 295
DX 300
DX 302*
DX 304
DX 308*
DX 309
DX 313
DX 314
DX 315
DX 316
DX 319
DX 321
DX 322
DX 323
DX 324
DX 325*
DX 326
DX 327*
DX 328
DX 330* (Marginal notes excluded)
DX 331*
DX 332
DX 335
DX 336
DX 337
DX 343*
DX 346
DX 347
DX 349
DX 350

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AM 17 016609
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343668

DX 351
DX 353
DX 358
DX 362
DX 363
DX 364
DX 365
DX 366
DX 385
DX 386
DX 390
DX 391
DX 392
DX 399
DX 403
DX 404
DX 405
DX 406
DX 407
DX 408
DX 421
DX 423*
DX 429*
DX 431
DX 432
DX 433
DX 436
DX 438
DX 439
DX 440
DX 441
DX 448*
DX 450
DX 453
DX 455
DX 458
DX 462
DX 466
DX 486
DX 487
DX 488
DX 502
DX 507
DX 510
DX 512
DX 526
DX 530
DX 543
DX 544A
DX 545
DX 556
DX 557
DX 558
DX 559*

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AM 17 016610
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343669

DX 606*
DX 607*
DX 613*
DX 617*
DX 619
DX 620
DX 621A*
DX 626
DX 627
DX 628
DX 629(12)
DX 629(13)
DX 629(15)
DX 629(16)
DX 629(17)
DX 629(29)
DX 629(38)
DX 629(39)
DX 629(63)
DX 630
DX 631
DX 634*
DX 678
DX 684
DX 700
DX 748
DX 750
DX 751
DX 752
DX 753
DX 754
DX 755A
DX 755B
DX 755E
DX 759
DX 760
DX 771
DX 774
DX 786
DX 788
DX 794
DX 804
DX 805
DX 807
DX 808
DX 809
DX 810
DX 811
CX 812
DX 813
DX 814
DX 815
DX 816
DX 818

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AM 17 016611
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343670

DX 820
DX 821
DX 824
DX 825
DX 827
DX 829
DX 830
DX 832
DX 834
DX 835
DX 836
DX 837
DX 838
DX 839
DX 841
DX 842*
DX 843
DX 844
DX 845
DX 846
DX 851*
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DX 887
DX 888
DX 889
DX 890
DX 891

(Admitted only as to what Dr. Strickland said he thought Dr. Hewick did)

DX 892
DX 893
DX 894
DX 895
DX 896
DX 897
DX 898
DX 899
DX 900
DX 901
DX 902
DX 903
DX 909
DX 910
DX 911
DX 912
DX 914
DX 916*
DX 920
DX 921
DX 922
DX 923
DX 925
DX 926A
DX 927
DX 930
DX 931
DX 932
DX 933
DX 934
DX 935
DX 936
DX 937
DX 938
DX 939
DX 940
DX 941
DX 942
DX 943
DX 944
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DX 949
DX 950
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DX 953
DX 954
DX 957
DX 958
DX 959
DX 960

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AM 17 016613
CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00343672

DX 961
DX 965
DX 982
DX 983
DX 984
DX 985

The parties believe that the Court reserved ruling on the following proposed exhibits:

PX 341

PX 342

The parties have not been able to reach agreement on the admissibility of DX 442 and DX 618 which were offered by the defendants and objected to by the plaintiff.

AMGEN, INC.

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Dated: October 25, 1989

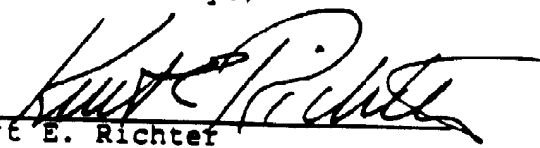
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