

Exhibit 8

MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BICKNELL

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CALIFORNIA BAR

FAX (63) (312) 984-9740
TELEX: 25-3856

August 3, 1988

CONFIRMATION COPY
8/3/88

VIA FACSIMILE

Eugene Moroz, Esq.
Morgan & Finnegan
345 Park Avenue
New York, New York 10154

Re: Amgen v. Chugai, et al.
Civil Action No. 87-2617Y
DEFENDANTS' DOCUMENT PRODUCTION

Dear Eugene:

We have reviewed the documents produced by defendants to date in response to Amgen's First Set of Interrogatories and Amgen's First Request for Production of Documents. We feel the document production is incomplete or incorrect and make the following requests.

I. GI Document Production

A. Identification of Documents

1. The produced documents production numbers 000001-018175 all appear to be documents from GI's files. Please advise if any other person or party produced documents within that production number sequence and identify the party and the documents it produced by production number.

2. The document production does not appear to comply with F.R.C.P. 34(b), last paragraph. Defendants have not identified the source of many of the produced documents by file name or other identification used in their ordinary course of business. Please provide this information for each file from which GI (or any other party or person) produced documents by identifying the file name or title, producing a copy of the file label, identifying the

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custodian(s) of the file and identifying by production number(s) the documents originating from each such file.

3. The cover sheets or identification page for many of the laboratory notebooks you produced are illegible or missing. Please provide legible copies of the covers and table of contents for all produced laboratory notebooks. The interior pages of the lab notebooks are also difficult or impossible to read. We therefore request that you provide us with a copy of whatever records are kept of the persons to whom laboratory notebooks are given or assigned so that we can identify the author of the produced lab notebooks. We also request that the originals of the produced lab notebooks be made available at the depositions of defendants' employees and witnesses connected with the lab notebooks so that we can refer to legible pages and data such as SDS PAGE gel photos which are illegible on our copies.

4. The production numbers assigned by GI are illegible, missing or partially deleted on many of the produced documents. We cannot determine from our copies whether this is a result of the original numbering by GI or subsequent photocopying. If it is the later, please have one complete set of the documents in production number order bearing legible production numbers at the August depositions. If the original numbers are the problem, please advise us as to how you will correct the problem.

B. Missing Groups of Documents and Files

The documents produced to date refer to other groups of documents and files which appear relevant but were not produced or identified. Set forth below is a list of missing files or groups of documents cross-referenced to the production number of defendants' produced documents which evidence the existence of the missing group or file. Unless identified in response to paragraph A.2. above as having been produced, please supply us with copies of the contents of the following missing files and groups of documents and identify each such file or group in the manner requested in paragraph A.2. above.

<u>1. Missing File</u>	<u>P.N. Reference</u>
(a) "Miyake File"	015082, 015071, 015091

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B. Missing Groups of Documents and Files (Cont.)

(b)	"EPO Patent File"	013374
(c)	"EPO File"	011354, 007933-38
(d)	"EPO-Foster"	012618-28
(e)	"EPO Activity Plans"	015710-14, 012718-39
(f)	"Amgen File"	017067-71
(g)	"EPO Full Activity Plans"	015710-14, 102718-39
(h)	"EPO-Chugai file" or "Chugai File" (if the "EPO" portion refers only to (c) above)	008091, 8070-73
(i)	"F-BM" file	016352
(j)	"F-EPO" file (if different than (c) above)	011344-48
(k)	"EPO-Amgen" file	013211
(l)	"Chugai telex file" (except for "Jan.-August" file)	0142 11 June 86

2. Missing Groups of Documents

P.N. Reference

(a)	GI Quarterly Reports for all quarters except 1st quarter 1985	013040-76, ¶2.5 017851 16199-16200 13869, etc.
(b)	GI Benchmark reports	16199-16200
(c)	GI Project Summaries	016201 27 Dec. 84 K. Smith memo
(d)	summary reports for quarterly reports	see K. Smith 24 June 85 memo (P.N. illegible), 017139-43

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B. Missing Groups of Documents and Files (Cont.)

- | | |
|--|---|
| (e) EPO Team Meeting Overheads
(for all team meetings) | 013835-56, 013820 |
| (f) S.O.P.'s (for EPO) | See 014166-67
Schmidt 3 Aug. 85
telex |
| (g) log book samples | See 014166-67 |
| (h) log book lists | See 014166-67 |
| (i) EPO Executive Summaries
(for all trips, meetings
re EPO) | 012795-814 |
| (j) Seminar Room Meeting Reports | 018040 |
| (k) EPO Tickler List, notes,
memos, etc. | 012585-97 |
| (l) purification batch reports | 014208-12 |
| (m) EPO batch record release
files | See M. Bertolini
2 Sept. 87 memo
(P.N. illegible) |

C. Missing Specific Documents

The following specific documents were not produced, although referenced in defendants' produced documents. Please produce copies of these documents and identify them and their source file(s), custodians, etc. in the manner requested in paragraph A.2. above. We also request that you review the source files and produce any other documents requested by plaintiff to be produced or identified and supplement your interrogatory answers as required consistent with the Federal Rules of Civil Procedure.

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C. Missing Specific Documents

<u>Missing Specific Documents</u>	<u>P.N. Reference</u>
1. <u>Blood</u> , 64:341-47 article	01574 1 Nov. 84 Yang telex*
2. Murine EPO article	01574 1 Nov. 84 Yang telex
3. agenda excerpts from agreement re technology transfer	01574 1 Nov. 84 Yang telex
4. patent drafts	016199-200
5. GI/Chugai documents re patent procedures	016199-200
6. Snowbird and/or Amgen documents	016199-200
7. attached IBA correspondence	<u>20 Nov. 84</u> Neway memo
8. figs. for EPO paper, poster	013869
9. notes of meeting	012851-52
10. notes of meeting, presentations	0157 11 Jan. 85 K. Smith/A. Mufson memo to Distribution
11. patent application	0157 11 Jan. 85 K. Smith/A. Mufson memo to Distribution

* Blanks indicate illegible production numbers.

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C. Missing Specific Documents

- | | |
|---|---|
| 12. EPO paper | 0157
11 Jan. 85
K. Smith/A. Mufson
memo to Distribution |
| 13. Man Chui's memo | 01612
15 Jan. 85
K. Smith telex
to Yamamoto |
| 14. Yamamoto telex | 016223 |
| 15. Chugai/Yamamoto notes | 016223 |
| 16. <u>Nature</u> article | 016186, 016184-85 |
| 17. Miyake slide and
Goldwasser presentation | <u>3 Apr. 85</u>
K. Smith memo to
K. Yamamoto re
Kawaguchi visit,
Miyake, C & F |
| 18. 3 June 85 Kawaguchi letter | 014177 |
| 19. Eisen response re patent
matters | 014177 |
| 20. Kawaguchi U-EPO
purification procedure | 013837-44 |
| 21. 6 June 85 K. Smith telex* | 013923 |
| 22. 21 June 85 Kawaguchi telex | 0139 5
24 June 85
Smith telex |

* Also called "telex" in some produced documents,
referred to hereinafter as "telex."

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C. Missing Specific Documents

- | | | |
|-----|--|---|
| 23. | E. Coli EPO purification procedure | 25 June 85
K. Smith telex
to Kawaguchi
re EPO shipment |
| 24. | 22 Oct. 84 article | 017073-78 |
| 25. | time lines mentioned in
20 Aug. 85 telex as
"attached" | 013758 |
| 26. | Kawaguchi 4 Sept. 85 telex | 015015 |
| 27. | missing pages 014855-56
from 7 Sept. 85 report | 014845-54 |
| 28. | data referred to in
Kawaguchi telex | 008646-51 |
| 29. | attached record of
discussion with Sadahiro | 015116 |
| 30. | B. Foster report | 015116 |
| 31. | attached details of GI
assays | 015861 |
| 32. | attached details of Caro
assays | 015861 |
| 33. | attached details of
Dr. Nathan assays | 015861 |
| 34. | Tsuji/Chugai HPLC
purification steps | 008635-37 |
| 35. | 13 Sept. 85 fax | 015662-64 |
| 36. | 13 Sept. 85 K. Smith
telex | 015888 |
| 37. | 30 Sept. 84 telex
#1.1.a-copy of what
was "sent" | 007924-26 |

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C. Missing Specific Documents

38.	25 Sept. 85 Chugai telex	007924-26
39.	"see attached"-copy of information	0177 30 Sept. 85 Fritsch memo, See 017666-67
40.	notes concerning meeting	014863
41.	copy of cited publication	008615
42.	quality reports	014870
43.	summaries	014870
44.	attached telex	015213 or 015218
45.	24 Oct. 85 telex	008578-79
46.	11 Oct. 85-page(s) appear to be missing	008615
47.	documents concerning comparison of GI, Amgen EPO and U-EPO	008076-77
48.	Caro specific assay fractions-related documents	008076-77
49.	selective purification documents	008076-77
50.	documents concerning Amgen, Amgen R-EPO	015625-26
51.	Caro tests of TFA	008561-64
52.	missing pages of telex	015993-98
53.	Chugai 22 Nov. 85 telex and attached 22 Oct. 85 telex	015242
54.	complete copy of GI telex including new pages	015242

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C. Missing Specific Documents

55.	26 Nov. 86 Chugai telex	015263
56.	22 Nov. 85 protocol	013612
57.	missing pages 8-12 of telex	014933-39
58.	RIA protocols	013614 or 013615
59.	missing pages 3-5 of telex	008702-717
60.	royalty schedules	013084
61.	benchmark schedules	013084
62.	attached Agenda	014954
63.	Yamamoto 22 Feb. 86 telex	015564-65
64.	documents forwarded re attainment of benchmarks	007802
65.	documents supporting attainment of benchmarks	014915
66.	attached Nagashima telex	014820
67.	19 March 86 telex	014208-212
68.	26 March 86 telex	008049-50
69.	page 2 of telex missing	014994-95
70.	Chugai telex 10 June 86	0142
	11 June 86 Ohta telex	
71.	list of GI documents (and copies of those documents) "provided with r-EPO	012770
72.	Recny manuscript	014249

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C. Missing Specific Documents

73.	Sato 7/2/87, 6/3/87 telex	017611-13
74.	the "three PCT applications" referred to in letter	017687-88
75.	"EPO documentation"	014260-61
76.	copy of documents concerning Kirin presentation, notes, etc.	017596-97
77.	21 June 87 telex	014832-34
78.	Sasaki paper	008746-48
79.	comments re Sasaki paper	008746-48
80.	CM-CFS paper	008746-48
81.	Science advertisement	008746-48
82.	22 March 82 letter	017108
83.	"proposal"	015076
84.	"EPO tests" documents	015791
85.	Chugai documents re "success" on EPO project	01585 6. Dec. 1983 Schmergel telex to Yang
86.	GI patent application reports and documents concerning same	016357
87.	reports to Chugai by GI	016357
88.	documents concerning GI/ Chugai agreement on EPO project	010370-72
89.	Golde documents concerning EPO	016370-72

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C. Missing Specific Documents

90.	21 Dec. 82 Golde letter	016370-72
91.	telex to Ogawa from Yang re Amgen	<u>10 Jan. 84</u> Yang telex to Sadahiro
92.	11 Jan. 84 telex	017806-10
93.	20 Jan. 84 telex	01577_ 23 Jan. 84 Y. Hibino telex
94.	information sent 23 Jan. 84	01577_ 23 Jan. 84 Y. Hibino telex
95.	documents concerning research, patents and/or revised proposal discussed at visit	015778 015780
96.	14 Feb. 84 letter	015777
97.	14 Feb. 84 letter or telex	017835
98.	documents re Chugai review of proposal and Amgen	017887
99.	telex of agenda, specifics of discussions, etc.	015783
100.	Chugai manuscript	015783
101.	EPO contracts	015767
102.	Revised EPO contracts	017834
103.	12 Mar. 84 telex/letter Yang	017834
104.	Chugai 3 Apr. 84 Board meeting notes, minutes, etc.	017834

R.

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C. Missing Specific Documents

- | | | |
|------|---|-----------------------------------|
| 105. | letter concerning revised paragraph cDNA | 017834 |
| 106. | 13 Mar. 84 letter | 015071 |
| 107. | agreement sent to Miyake | 015071 |
| 108. | "consulting agreement" | 015071 |
| 109. | documents concerning "tests" done | 017867 |
| 110. | 28 Mar. 84 telex | 017833 |
| 111. | Chugai counter-proposal | 017833 |
| 112. | draft contract | 017833 |
| 113. | 13 Mar. 84 letter | 017833 |
| 114. | 16 Mar. 84 telex | 017833 |
| 115. | 29 Mar. 84 letter | 017833 |
| 116. | letter agreements re EPO project | 017833 |
| 117. | consulting agreement | 015084 |
| 118. | royalties paid to Miyake | |
| 119. | Miyake 10 Apr. 84 letter | 15 May 84 |
| | | <u>Schmergel</u> letter to Miyake |
| 120. | 14 May 84 letter agreement | 15 May 84 |
| | | <u>Schmergel</u> letter to Miyake |
| 121. | copy of attached proposal and Miyake purification procedure | 15 May 84 |
| | | <u>Schmergel</u> letter to Miyake |

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C. Missing Specific Documents

122. Schedule D	013040-76
123. press release	015764
124. "core" bibliography	015704
125. 31 Aug. 84 telex	015754
126. draft patent application	015754
127. draft patent specification for GI patent applications	013385
128. "GI prospective comments on potential value" of patent specifications	013385
129. GI comments "how closely" patent specification "may relate to EPO production technology"	013385
130. GI plans for foreign applications	013385
131. Chugai "recommendations" and "suggestions" concerning patent application	013385
132. claims of applications, documents concerning "value to EPO project"	013389
133. foreign filings	013389
134. EPO paper	017861 or 017864
135. Chugai 14 Sept. 84 telex	017854
136. Chugai 20 Sept. 84 telex	017854
137. Chugai 21 Sept. 84 telex	017854

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D. Illegible Documents

Many produced documents are illegible in part or in whole. Please provide legible copies of the following documents including the notes appearing on the documents.

Production Number(s)

1. 01286 or 01288
(1 Nov. 84 K. Smith memo
to Distribution, 2 pages)
2. 012953-57(?)
(8 Nov. 84 memo K. Smith
to Distribution,
notes illegible)
3. 012958
4. 013784-87
5. 016221
6. 013358
7. 016210-11
8. 013616-17
9. 016179-81
10. 013780-82
11. 014458-66
12. 13788-798
13. 012815
14. 012821-25
15. 012745-747
16. 013811-17
17. 012835-44

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D. Illegible Documents (Cont.)

18. 012741-44
19. 014175
20. 013818-19
21. 008667-68
22. 015555
23. 008096
24. 008662-64
25. 014164
26. 012795-814
27. 015525-27
28. 013760-62
29. 012166-72
30. 015015
31. 008655
32. 014845-57
33. 008645
34. 015644-45
35. 015901-04
36. 014864-65
37. 013783 or 85 or 87
38. 015909-11
39. 008622-33
40. 014450-51

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D. Illegible Documents (Cont.)

41. 008592-8607
42. 013212
43. 12278-87
44. 008553-54
45. 008549-52
46. 016021-24
47. 014900
48. 012225-28
(gel photos)
49. 013963 or 013983
15 April 86 notes
EPO Steering Committee
50. 012768
51. 014838
52. 016202
53. 012618-28
54. 013040
55. 013040-76
#3.9 (notes illegible)
56. 013866
57. 0130_4
10 July 84 (K. Smith memo
to Distribution
(notes illegible)

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D. Illegible Documents (Cont.)

- 58. 01574
4 Sept. 84 telex
(notes illegible)
- 59. 017886
- 60. 012963
- 61. 012961-63
- 62. 017858
- 63. 014202
- 64. 014198
- 65. 012581-84
- 66. 13788-98
- 67. 017847
- 68. 013380-82
- 69. 017019-22
- 70. 013279-342
(page numbers illegible)

E. Deletions

Defendants have produced numerous documents with portions deleted. We assume this was primarily a deliberate "masking" pursuant to paragraph 3 of the Stipulation and Protective Order entered in this case. Pursuant to paragraph 4 of the Stipulation and Protective Order, we request access to inspect the original unmasked documents listed below prior to the depositions set to begin August 16, 1988. Please advise us as to whether you will provide us with copies at our offices in Chicago. If there are listed documents which you did not intend to mask, please provide complete copies to us.

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E. Deletions (Cont.)

Production Number(s)

1. 015741-49
- ✓ 2. 015731-32
3. 016980-82
4. 012958
5. 015722-23
6. 014918-19
7. 016121-24
8. 008665
9. 013946
- ✓ 10. 014206
11. 013758
12. 013760-62
13. 015901-04
14. 012679-86
15. 007785
16. 017703
17. 017605-06
18.
21 Sept. 87
K. Smith memo
EPO Steering Committee
19. 014838
20. 013861-62

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- E. Deletions (Cont.)
21. 017100
 22. 017101
 23. 012618-28
 24. 017886
 25. 013858-59
 26. 013632-748
(p. 17-19 "purification",
p. 013962, p. 13727)
 27. 015092-98
(p. 4-6 "purification",
p. 15098)
 28. 016936-958
(p. 13, 19-23, 24, 26)
 29. 007803-7905
(Sections 2-4(a) missing)
 30. 013279-342
(pages 65-99 missing)

Please advise us on Friday, August 5, 1988 as to when we will receive the above-requested documents and information. We wish to have them no later than August 12, 1988 so they can be reviewed prior to the August 16 depositions.

If you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

Richard A. Schnurr

RAS:kjf
cc: Robert D. Weist, Esq.

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