

# Exhibit B

JEROME G. LEE\*  
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JOHN A. DIAZ\*  
THOMAS P. DOWLING\*  
JOHN C. VASSIL\*  
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HARRY C. MARCUS  
ROBERT E. PAULSON  
STEPHEN R. SMITH  
KURT E. RICHTER  
J. ROBERT DAILEY  
EUGENE MOROZ  
JOHN F. SWEENEY  
ARNOLD J. RADY  
CHRISTOPHER A. HUGHES  
WILLIAM S. FEILER  
JANET DORE  
JOSEPH A. CALVARUSO  
JAMES W. GOULD  
RICHARD C. KOMSON  
ISRAEL BLUM

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MITCHELL E. RADIN  
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JOSEPH M. MANAK  
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\*A PROFESSIONAL CORPORATION

August 9, 1988

JOHN D. MORGAN  
1893-1939  
HOBART N. DURHAM  
1930-1988

\*\*NOT ADMITTED IN NEW YORK

GEORGE S. FINNEGAN, JR.  
GRANVILLE M. PINE\*  
COUNSEL

Richard A. Schnurr, Esq.  
Marshall, O'Toole, Gerstein,  
Murray & Bicknell  
Two First National Plaza  
20 South Clark Street  
Chicago, Illinois 60603

Re: Amgen v. Chugai and Genetics Institute  
C.A. No. 87-2617Y

Dear Mr. Schnurr:

This is in response to the respective paragraphs of your letter dated August 3, 1988 wherein you had numerous requests regarding Defendants' document production.

First, while we do intend to investigate the numerous matters addressed in your letter and to make a good faith effort to respond to your inquiries, we cannot and will not promise to have all requested documents and information in your hands by August 12, 1988, bearing in mind that your letter came unannounced on August 3 at 6:00 p.m. Counsel for Amgen has had initial production of documents as to which you are now raising questions and making additional demands since April.

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Accordingly, there is no justification for your frenetic and burdensome demands to supplement discovery within 9 days simply to accommodate your personal schedules.

With respect to your August 9, 1988 letter (also received at 6:00 p.m.), you apparently misapprehend what I stated to you earlier, i.e., that we would respond to your letter. Obviously, none of the information you are now requesting is urgent; otherwise you would not have delayed your requests for months. That information which is presently available is as follow:

I.A.1. Documents bearing production nos. 000001-018382 constitute documents from Genetics Institute's files.

2. With very few exceptions, the documents were produced as they are kept in the usual course of business, in accordance with Fed. R. Civ. P. 34(b) last paragraph. Those which were not so produced, were later located and are therefore out of numerical order for that reason alone. Laboratory notebooks were produced as a group for convenience. The following is a correlation between document production numbers (not including laboratory notebooks which are listed in response to paragraph (3) of your letter) and custodians of those documents:

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<u>Document Number</u>	<u>Custodian</u>
007767-007780	R. Kamen
007781-007895	R. Kamen
007896-007930	R. Kamen
007931-007963	R. Kamen
007964-007999	R. Kamen
008000-008069	R. Kamen
008070-008090	R. Kamen
008091-008099	R. Kamen
008100-008179	M. Recny
008180-008501	M. Recny
008502-008508	M. Recny
008509-008676	M. Recny
008677-008704	M. Recny
008705-008706	M. Recny
008707-008708	M. Recny
008709-008717	M. Recny
008718-008744	M. Recny
008745-008748	M. Recny
008749-008797	M. Recny
008798-009070	M. Recny
009071-009098	M. Recny
009099-009121	M. Recny

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<u>Document Number</u>	<u>Custodian</u>
009122-009195	M. Recny
009196-009301	M. Recny
009302-009314	M. Recny
009315-009320	M. Recny
009321-009341	M. Recny
009342-009344	M. Recny
009345-009360	M. Recny
009361-009464	M. Recny
009465-010148	M. Recny
010149-010719	M. Recny
010720-010884	M. Recny
010885-011327	M. Recny
011328	G. Christensen
011329-011358	G. Christensen
011359-011386	G. Christensen
011387-011388	G. Christensen
011389-011481	S. Wurgler
011482-011521	S. Wurgler
011522-011793	S. Wurgler
011794-012048	S. Wurgler
012049-012092	S. Wurgler
012093-012098	S. Wurgler

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<u>Document Number</u>	<u>Custodian</u>
012099-012116	S. Wurgler
012117	S. Wurgler
012118-012121	S. Wurgler
012122-012225	S. Wurgler
012226-012228	S. Wurgler
012229-012235	S. Wurgler
012236-012244	S. Wurgler
012245-012257	S. Wurgler
012258-012270	S. Wurgler
012271-012285	S. Wurgler
012286-012355	S. Wurgler
012356-012404	S. Wurgler
012405-012421	S. Wurgler
012422-012425	S. Wurgler
012426-012470	S. Wurgler
012471-012474	S. Wurgler
012475-012487	S. Wurgler
012488-012511	S. Wurgler
012512-012521	S. Wurgler
012522-012533	S. Wurgler
012534-012550	S. Wurgler
012551-012630	K. Smith

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<u>Document Number</u>	<u>Custodian</u>
012631-012633	K. Smith
012634-012637	K. Smith
012638-012664	K. Smith
012665-012674	K. Smith
012675-012686	K. Smith
012687-012689	K. Smith
012690-012717	K. Smith
012718-012739	K. Smith
012740-012745	K. Smith
012746-012748	K. Smith
012749-012760	K. Smith
012761-012768	K. Smith
012769-012770	K. Smith
012771-012774	K. Smith
012775-012794	K. Smith
012795-012813	K. Smith
012814-012817	K. Smith
012818-012834	K. Smith
012835-012862	K. Smith
012863-012972	K. Smith
012973-012976	K. Smith
012977-013020	K. Smith
013021-013129	K. Smith

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<u>Document Number</u>	<u>Custodian</u>
013130-013150	K. Smith
013151-013193	K. Smith
013194-013209	K. Smith
013210-013340	K. Smith
013341-013343	K. Smith
013344-013347	K. Smith
013348-013373	K. Smith
013374-013399	K. Smith
013400-013410	K. Smith
013411-013541	K. Smith
013542-013544	K. Smith
013545-013546	K. Smith
013547-013553	K. Smith
013554-013576	K. Smith
013577-013617	K. Smith
013618-013628	K. Smith
013629-013748	K. Smith
013749-013751	K. Smith
013752-013769	K. Smith
013770-013829	K. Smith
013830-013834	K. Smith
013835-013870	K. Smith
013871-013904	K. Smith



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<u>Document Number</u>	<u>Custodian</u>
013905-013909	K. Smith
013910-013946	K. Smith
013947-013950	D. Gates
013951-013952	D. Gates
013953	D. Gates
013954-013956	D. Gates
013957-013960	D. Gates
013961-013963	D. Gates
013964-014063	B. O'Connell
014153-014159	K. Smith
014160-014206	K. Smith
014207-014243	K. Smith
014244-014250	K. Smith
014251-014263	K. Smith
014264-014268	K. Smith
014269-014290	K. Smith
014302-014449	
014450-014730	Murtha
014731-014818	Schendel
014819	C. Shoemaker
014820-014825	C. Shoemaker
014826-014837	C. Shoemaker
014838-014932	C. Shoemaker

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<u>Document Number</u>	<u>Custodian</u>
014933-015091	C. Shoemaker
015092-05315	C. Shoemaker
015316-015355	R. Hewick
015356-015523	G. Amphlett
015524-015549	G. Amphlett
015550-015685	G. Amphlett
015686-015766	M.C. Yang
015767-015807	M.C. Yang
015808-015809	M.C. Yang
015810-015859	M.C. Yang
015860-015961	A. Mufson
015969-016055	A. Mufson
016056-016075	A. Mufson
016076-016097	A. Mufson
016103-016163	A. Mufson
016164-016258	A. Mufson
016259-016305	G. Schmergel
016306-016387	T. Ha-Ngoc
016388-016444	R. Kriz
016445-016567	R. Hewick
016568-016717	R. Hewick
016718-016725	R. Hewick
016726-016785	

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<u>Document Number</u>	<u>Custodian</u>
016786-016862	E. Fritsch
016863-016891	E. Fritsch
016892-016917	E. Fritsch
016918-016958	E. Fritsch
016959-016976	E. Fritsch
016977-016979	E. Fritsch
016980-016984	E. Fritsch
016985-017017	E. Fritsch
017018-017044	E. Fritsch
017045-017080	E. Fritsch
017081-017110	E. Fritsch
017111-017144	E. Fritsch
017145-017247	E. Fritsch
017248-017266	E. Fritsch
017267-017302	E. Fritsch
017303-017389	E. Fritsch
017390-017590	E. Fritsch
017591-017636	E. Fritsch
017637-017683	E. Fritsch
017684-017691	E. Fritsch
017692-017756	E. Fritsch
017757-017770	E. Fritsch
017771-017785	E. Fritsch

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<u>Document Number</u>	<u>Custodian</u>
017786-017798	E. Fritsch
017799-017803	E. Fritsch
017804-017805	E. Fritsch
017806-017885	E. Fritsch
017886-017962	E. Fritsch
017963-017966	E. Fritsch
017967-017977	E. Fritsch
017978-017995	R. Steininger
017996-018018	R. Steininger
018019-018024	R. Steininger
018025-018045	R. Steininger
018046-018050	F. Bader
018051-018054	F. Bader
018055-018175	E. Louie
018202-018203	K. Smith
018204	K. Henson

3. With respect to laboratory notebooks, the following is a correlation between all produced pages of laboratory notebooks and the authors thereof:

<u>Document Number</u>	<u>Author</u>	<u>LNB #</u>
000001-000026	P. Szklut	LNB #254

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000027-000158	Y. Kim	LNB #689
000159-000357	Y. Kim	LNB #788
000358-000544	Y. Kim	LNB #576
000545-000565	P. Szklut	LNB #572
000566-000614	C. Hendry	LNB #739
000615-000851	L. Hahn	LNB #384
000852-001004	L. Hahn	LNB #541
001005-001039	D. Roger	LNB #261
001040-001112	R. Kriz	LNB #368
001113-001116	R. Kriz	LNB #270
001117-001189	C. McGrath	LNB #428
001190-001199	J. Aghajanian	LNB #654
001200-001411	J. Aghajanian	LNB #552
001412-001626	J. Aghajanian	LNB #470
001627-001838	J. Aghajanian	LNB #387
001839-001907	J. Aghajanian	LNB #308
001908-001934	E. Louie	LNB #479
001935-001994	E. Louie	LNB #583
001995-002016	C. Shoemaker	LNB #132
002017-002096	S. Neill	LNB #191
002097-002188	C. Shoemaker	LNB #416
002184-002217	E. Fritsch	LNB #193
002218-002250	E. Fritsch	LNB #101

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002251-002276	E. Orr	LNB #64
002277-002302	E. Orr	LNB #96
002303-002439	E. Orr	LNB #68
002440-002616	M. Schaeffer	LNB #33
002617-002622	E. Orr	LNB #360
002623-002660	P. Safer	LNB #348
002661-002777	S. Gossell	LNB #802
002778-002992	S. Gossell	LNB #455
002993-003211	S. Gossell	LNB #379
003212-003511	S. Spielberg	LNB #719
003512-003706	S. Spielberg	LNB #535
003707-003911	S. Spielberg	LNB #353
003912-004098	B. O'Connell	LNB #491
004099-004309	B. O'Connell	LNB #584
004310-004512	B. O'Connell	LNB #682
004513-004627	B. O'Connell	LNB #767
004628-004692	B. O'Connell	LNB #895
004693-004724	B. O'Connell	LNB #915
004725-004775	B. O'Connell	LNB #1008
004776-004847	P. Murtha	LNB #289
004848-004905	P. Murtha	LNB #437
004906-004955	P. Murtha	LNB #651
004956-004974	B. Murray	LNB #589

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004975-005172	B. Murray	LNB #468
005173-005372	B. Murray	LNB #383
005373-005454	B. Murray	LNB #206
005455-005464	G. Brown	LNB 77
005465-005467	G. Brown	LNB 3
005468-005469	G. Brown	LNB 6
005470-005477	G. Brown	LNB 152
005478-005487	G. Brown	LNB 207
005488-005556	K. Jacobs	LNB #135
005557-005586	K. Jacobs	LNB #138
005587-005676	R. Rudersdorf	LNB #148
005677-005706	T. Gesner	LNB #417
005707-005747	T. Gesner	LNB #282
005748-005858	T. Gesner	LNB #532
005859-005902	T. Gesner	LNB #597
005903-006026	S. Neil	LNB #129
006027-006206	E. Fritsch	LNB #45
006207-006387	E. Fritsch	LNB #65
006388-006457	M. Recny	LNB #336
006458-006566	M. Recny	LNB #531
006567-006748	M. Recny	LNB #704
006749-006797	R. Hewick	LNB #240
006798-006890	G. Amphlett	LNB #496

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006891-006921	G. Yotch	LNB #394 & 392
006922-006943	J. Rao	LNB #630
006944-006968	J. Voriganti	LNB #753
006969-006981	S. Wurgler	LNB #412
006982-007019	S. Wurgler	LNB #495
007020-007029	S. Wurgler	LNB #569
007030-007035	S. Wurgler	LNB #672
007036-007067	D. Kelly	LNB #317
007068-007084	D. Kelly	LNB #309
007085-007184	D. Kelly	LNB #399
007185-007316	R. Wright	LNB #316
007317-007493	R. Wright	LNB #386
007494-007580	R. Wright	LNB #498
007581-007642	R. Wright	LNB #611
007643-007750	T. Loh	LNB #304
007751-007766	T. Loh	LNB #456
014291-014301	M. Recny	LNB #269
014064-014152	R. Zollner	LNB #623
018176-018194	E. Fritsch	LNB #341
018195-018200	E. Fritsch	LNB #705
018202-018203	K. Henson	LNB #358
018303-018316	K. Henson	LNB #292
018317-018382	K. Henson	LNB #356



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All original lab notebooks as identified in your letters dated August 2, 1988 belonging to scheduled deponents which correspond to this list will be available at the August depositions; however, your inspection of those notebooks will be limited to the pages of which copies were produced.

4. We do not understand why all your copies of documents do not bear legible production numbers. Our copies appear to have complete and legible production numbers. Perhaps the problem was caused by reproduction at your end, nevertheless, if you send us copies of the documents in question, we will endeavor to ascertain the cause of the problem and, if we have erred, to provide corresponding pages with legible production numbers.

B&C. Referring to the 11 pages of allegedly "missing" files and documents in item "B" of your letter, we will need to make a thorough review in order to provide any kind of meaningful response. This cannot be done on such short notice; therefore, we will do what we can to check into the "missing" documents and, to the extent the relevant "missing" documents are found, they will be produced expeditiously. It is unlikely, however, that that task will be completed prior to the scheduled depositions.

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D. We are currently collecting clear copies of all documents which are purported to be illegible. We will provide you with legible copies as soon as practicable.

E. We are undertaking to retrieve and review unmasked documents and produce them for inspection. However, paragraph 4 of the Stipulation and Protective Order provides that the receiving party must give reasonable notice to inspect the original unmasked documents solely for the purpose of determining whether to challenge the masking. They will be made available on August 16, 1988 at the deposition.

Very truly yours,



Valerie M. Fedowich

VMF:d dm

cc: Kurt E. Richter  
Eugene Moroz