

# **EXHIBIT A**

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

Civil Action  
No. 97-10814-WGY

3 \* \* \* \* \*  
4 \* \* \* \* \*

5 AMGEN, INC.,

6 Plaintiff,

7 v.

DAILY TRANSCRIPT  
OF THE EVIDENCE  
(Volume 7)

8 HOECHST MARION ROUSSEL, INC.

and

9 TRANSKARYOTIC THERAPIES, INC.,

10 Defendants.

11 \* \* \* \* \*

12 BEFORE: The Honorable William G. Young,  
District Judge

13 APPEARANCES:

14 DAY CASEBEER MADRID & BATCHELDER, LLP (By Lloyd R.  
15 Day, Jr., Esq., Stuart Watt, Esq. and Rob Galvin, Esq.)  
16 20400 Stevens Creek Blvd., Suite 750, Cupertino,  
17 California 95014

- and -

18 MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN (By  
19 Edward M. O'Toole, Esq. and Michael F. Borun, Esq.),  
6300 Sears Tower, 233 S. Wacker Drive, Chicago,  
Illinois 60606-6402P

- and -

20 DUANE, MORRIS & HECKSCHER, LLP (By D. Dennis  
21 Allegretti, Esq.), One International Place, Boston,  
Massachusetts 02110-2600, on behalf of the Plaintiff

22  
23  
24 1 Courthouse Way  
25 Boston, Massachusetts  
June 7, 2000

1 too.

2 Q. Did there come a time, to your knowledge, when any  
3 clinical testing of the material you made was conducted?

4 A. Yes. Amgen recombinant human erythropoietin was tested  
5 in -- was tested in a clinical trial in December 1981 --  
6 I'm sorry, December 1985, that's for the combined  
7 Phase I, II trial. And have a Phase III trial in  
8 September 1986.

9 MR. SCHWARTZ: Your Honor?

10 THE COURT: Mr. Schwartz?

11 MR. SCHWARTZ: I think we're into hearsay now as  
12 to what went on in clinical trials. I didn't hear anything  
13 suggesting the witness had personal knowledge. I move to  
14 strike the rest of that.

15 MR. ALLEGRETTI: That --

16 THE COURT: Please, please, always talk to me.  
17 We'll let him try to fill that in. It sounds like hearsay  
18 to me.

19 MR. ALLEGRETTI: I asked him if he had any  
20 personal knowledge of that, your Honor.

21 THE COURT: Did you do these clinical trials?

22 THE WITNESS: I did not. But we have --

23 THE COURT: Who did them?

24 THE WITNESS: This Joe Eschbach, nephrologist at  
25 University of Washington.

1 THE COURT: How did you know about them?

2 THE WITNESS: Oh, I know him. Because we, for the  
3 clinical trial, initially, we have potential clinicians  
4 before we started.

5 THE COURT: And you selected him?

6 THE WITNESS: He was one of them.

7 THE COURT: He did the trials?

8 THE WITNESS: Yes, he was one Amgen selected.

9 THE COURT: But he's the one who did these trials?

10 THE WITNESS: That's right, yes. Correct.

11 THE COURT: He reported the results to you?

12 THE WITNESS: No. He reported result in the  
13 journal.

14 THE COURT: In a journal?

15 THE WITNESS: Yes.

16 THE COURT: And then you read the journal?

17 THE WITNESS: That's correct, yes.

18 THE COURT: And used the information?

19 THE WITNESS: That's correct, yes.

20 THE COURT: Motion to strike's allowed.

21 Q. Dr. Lin, do you have any personal knowledge of what  
22 the -- when the FDA approved an EPO product of Amgen?

23 MR. SCHWARTZ: Same objection, your Honor.

24 THE COURT: Yeah, sustained. I'm a little at sea  
25 here. We've changed gears now in the trial, and I guess

1 THE CLERK: All rise.  
2 (Adjournment.)

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C E R T I F I C A T E

We, Donald E. Womack and Cheryl B. Palanchian,  
Official Court Reporters for the United States District  
Court for the District of Massachusetts, do hereby certify  
that the foregoing pages are a true and accurate  
transcription of our shorthand notes taken in the  
aforementioned matter to the best of our skill and ability.

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DONALD E. WOMACK  
CHERYL B. PALANCHIAN  
Official Court Reporters  
1 Courthouse Way, Suite 5510  
Boston, Massachusetts 02210  
(617) 439-8877