

# **EXHIBIT A**

**Exhibit A**  
**Amgen's Response to Documents Roche Claims As Prior Art (Category A)**

Exhibit Letter	DOC_DATE	DESCRIPTION	AMGEN'S POSITION
VF	00/00/1983	Ascensao et al, "Erythropoietin Production by a Human Testicular Germ Cell Line," Blood 62(5): 1132-34 (1983)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
VI	00/00/1981	Babel et al, "Amino Acid Sequence Determination of the ADP, A TP Carrier from Beet Heart Mitochondria - The Sequence of the C-Terminal Acidolytic Fragment," Biochimica et Biophysica Acta 670: 176-180 (1981)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; • Offered during examination of Dr. Lowe but court denied request to admit because it was not in Lowe's report
VP	00/00/1981	Beaucage et al. (1981) "Deoxynucleoside Phosphoramidites--A new Class of Key Intermediates for Deoxypolynucleotide Synthesis," Tetrahedron Letters, 22(20), 1859-1862 (1981)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial;
CVM-QGE	00/00/1983	Farber and Zanjani, "Translation of mRNA from Human Kidneys into Biologically Active Erythropoietin Following Microinjection into Xenopus Laevis Oocytes," Blood 62(5) (Supp. 1):122a, Abstract No. 392 (1983).	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
NAY	8/20/1981	Edge et al, "Total synthesis of a human leukocyte interferon gene," Nature 292(5825): 756-62 (1981)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
NAZ	00/00/1983	Edge, M.D., et al. (1983) "Chemical synthesis of a human interferon-alpha 2 gene and its expression in Escherichia coli," Nucleic Acids Res. 11(18):6419-35 (1983)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
NCS	07/00/1983	Farber and Zanjani, "Translation of mRNA from Human Kidneys into Biologically Active Erythropoietin Following Microinjection into Xenopus Laevis Oocytes," Exp Hematol. 11 (S14): 57 (1983)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
NFC	00/00/1983	Glanville et al. "Completion of the amino acid sequence of the alpha chain from type I calf skin collagen," The Biochem. J. 215: 183-189 (1983)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial.
NYW	9/10/1981	Thomas et al, "The Amino Acid Sequence of the y-Subunit of Mouse Submaxillary Gland 7 S Nerve Growth Factor," The Journal of Biological Chemistry 256(17): 9156-9166 (1981)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; • Not identified by Roche under 35 U.S.C. § 282 as a notice of prior art.
PRX	10/17/1983	Erythropoietin Presentation to Chugal Pharmaceutical Company, Genetics Institute, October 17, 1983	• The document is a random presentation and there is no foundation as to how it relates to the claims of validity and therefore the exhibit is confusing and prejudicial; not identified by Roche under 35 U.S.C. §282 as a notice of prior art.

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QCG	8/14/2001	U.S. Patent 6,274,335	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial. Also, not identified by Roche under 35 U.S.C. 282 as a notice of prior art.
QCH	8/30/2005	U.S. Patent 6,936,695	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial. Also, not identified by Roche under 35 U.S.C. 282 as a notice of prior art.
NMY	12/00/1978	Lawn et al. (1978) "The Isolation and Characterization of Linked delta.- and beta.-Globin Genes from a Cloned Library of Human DNA," Cell, 15, 1157-1174 (Dec. 1978)	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial, not identified by Roche under 35 U.S.C. §282 as a notice of prior art
NZR	7/1/1980	Urtaub and Chasin, "Isolation of Chinese hamster cell mutants deficient in dihydrofolate reductase activity," PNAS 77: 4216-4220 (1980)	No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Not identified by Roche under 35 U.S.C. §282 as a notice of prior art
PPK		(Fritsch Deposition Ex. 188) Collaboration Agreement between T. Miyake and Genetics Institute (signed)	No objection.
QCU	9/24/2002	U.S. Patent 6,455,275	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore confusing and prejudicial. Also, not identified by Roche under 35 U.S.C. 282 as a notice of prior art.
OFD		Handwritten notes (Fritsch deposition ex. 194)	• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore confusing and prejudicial; • the document is a handwritten note not authored by the deponent and accordingly cannot be authenticated.

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OHV	12/14/1983	Notebook 193 (Edward Fritsch) (Fritsch deposition ex. 48)	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial</li> </ul>
QEI		(Fritsch Depo Ex. 5) Memorandum from K. Smith to Genetics Institute Distribution List re: EPO Clome/Chugal (Fritsch deposition ex. 5)	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; • not properly authenticated by deposition testimony; • not disclosed on Roche Exhibit List</li> </ul>
OUC	00/00/1985	Notebook(redacted) (Fritsch deposition ex. 55)	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; • Not properly authenticated by deponent because it is not clear that notebook is his.</li> </ul>
QEJ		(Fritsch Depo Ex. 12) Cover Letter from Katherine Smith to Misao Aihara with attached EPO Quarterly Report	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial</li> <li>• Not disclosed on Roche Exhibit List; Letter not authored by deponent and not authenticated by deponent</li> </ul>
OIC	7/16/1984	Notebook 316 (Richard Wright) (Fritsch deposition ex. 222 part 1)	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial</li> <li>• Witness did not authenticate lab notebook of Richard Wright.</li> </ul>
QEK		(Fritsch Depo Ex. 222 part 2) Notebook 316 (Richard Wright)	<ul style="list-style-type: none"> <li>• See Amgen's MIL, Docket Number 1034, which reflects that this document is not prior 102(g) art; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial</li> <li>• Witness did not authenticate lab notebook of Richard Wright; Not Disclosed on Roche Exhibit List</li> </ul>
PJY	4/20/1988	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	<ul style="list-style-type: none"> <li>• Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial</li> </ul>

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PVJ-1		Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PJY-2	4/00/1983	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PJY-3	4/00/1982	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PJY-4	03/00/1981	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PJY-5	4/00/1980	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PJY-6	8/00/1979	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
PVJ-7	00/00/1978	Goldwasser Grant Application re Erythropoietin: Purification Properties Biogenesis	Not 102(g) prior art; • Roche did not attempt to authenticate through testimony of Eugene Goldwasser; • No foundation as to how exhibit relates to Roche's claims of invalidity and therefore the exhibit is confusing and prejudicial; Unnecessary subset of P.JY.
RO	1/5/1999	US Patent 5,856,298	• No foundation as to how exhibit relates to Roche's claims of invalidity and therefore confusing and prejudicial. Also, not identified by Roche under 35 U.S.C. 262 as a notice of prior art.

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