

EXHIBIT C

1642

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action
No. 05-12237-WGY

* * * * *
AMGEN, INC.,
Plaintiff,
v.
F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GmbH and
HOFFMANN-LA ROCHE, INC.,
Defendants.
* * * * *

DAILY TRANSCRIPT
OF THE EVIDENCE
(Volume 12)

BEFORE: The Honorable William G. Young,
District Judge, and a Jury

1 Courthouse Way
Boston, Massachusetts

September 27, 2007

□

1643

1
2
3

A P P E A R A N C E S

DUANE MORRIS LLP (By D. Dennis Allegretti,
Esq. and Michael R. Gottfried, Esq.), 470 Atlantic

4 Avenue, Suite 500, Boston, Massachusetts 02210
- and -
5 DAY CASEBEER MADRID & BATCHELDER, LLP (By
Lloyd R. Day, Jr., Esq., David M. Madrid, Esq. and
6 Robert M. Galvin, Esq.) 20300 Stevens Creek
Boulevard, Suite 400, Cupertino, California 95014
- and -
7 MCDERMOTT WILL & EMERY (By Michael Kendall,
Esq.), 28 State Street, Boston, Massachusetts
8 02109
- and -
9 MCDERMOTT WILL & EMERY (By William G.
Gaede, III, Esq.), 3150 Porter Drive, Palo Alto,
10 California 94304
- and -
11 MARSHALL, GERSTEIN & BORUN LLP (By Kevin M.
Flowers, Esq.), 6300 Sears Tower, 233 S. Wacker
12 Drive, Chicago, Illinois 60606-6402
- and -
13 STUART L. WATT and WENDY A. WHITEFORD, of
Counsel, Amgen, Inc., One Amgen Center Drive,
14 Thousand Oaks, California 91320-1789, on behalf of
the Plaintiff
15
16 BROMBERG & SUNSTEIN LLP (By Lee Carl
Bromberg, Esq. and Julia Huston, Esq.), 125 Summer
Street, Boston, Massachusetts 02110
17 - and -
18 KAYE SCHOLER LLP (By Leora Ben-Ami, Thomas
F. Fleming, Esq., Patricia Carson, Esq.,
19 Christopher Jagoe, Esq. and Howard Suh, Esq.),
425 Park Avenue, New York, New York 10022, on
20 behalf of the Defendants
21
22
23
24

1656

1 on this?

2 THE COURT: You may.

3 SIDEBAR CONFERENCE, AS FOLLOWS:

4 THE COURT: You people have daily copy. You may

5 ask her, Ms. Ben-Ami asked you and would you like to explain
6 your answer, and you answered whatever, would you like to
7 explain that answer. Yes, you can. That's it.

8 MR. FLOWERS: Your Honor, Dr. Orkin was identified
9 as a fact witness in this case and in fact a motion was --

10 THE COURT: We've had your direct. We've had your
11 direct.

12 MR. FLOWERS: Is he allowed to testify as a fact
13 witness at all on redirect?

14 THE COURT: I don't give advisory opinions. We'll
15 see. But that's outside the scope. That calls -- what
16 you're asking for there calls for expertise. As a matter of
17 fact, this is so technical that most of this calls for
18 expertise. So I don't think there's much along that line.

19 Now, something else. This business about the
20 Harlow deposition. I take grave umbrage to the fact that a
21 deposition was designated confidential. And this business
22 of giving me confidential documents stops right now.
23 Everything further in this trial is on the record.

24 (Whereupon the sidebar conference concluded.)

25