

EXHIBIT 10

USDC - Depo: Jarsch, Michael - Contains HIGHLY CONFIDENTIAL Portions 3/27/2007 9:08:00 AM

1 UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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AMGEN INC.,

4

Plaintiff,

5

-v-

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Civil Action No:

F. HOFFMANN-LA ROCHE LTD., 05-CV-12237-WGY

7

a Swiss Company, ROCHE

DIAGNOSTICS GmbH, a German

8

Company and HOFFMANN-LA ROCHE

INC., a New Jersey Corporation

9

Defendants.

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Videotaped deposition of:

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DR. MICHAEL JARSCH

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taken at:

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The Munich Marriott Hotel

15

Berliner Strasse 93

16

Munich

Germany

17

on Tuesday, March 27th, 2007

18

commencing at 9:08 a.m.

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*** C O N F I D E N T I A L ***

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(This transcript contains testimony designated as per the
Protective Order in this matter. Please treat each segment
21 of designated testimony in accordance with the Protective
Order. Each section of testimony is clearly designated as
22 such by insertion of a parenthetical.)

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1 Q. Did you direct -- were any of these depictions
2 initiated under your direction?

3 A. Part of these depictions were generated under
4 my direction.

5 Q. Both in Penzberg and Basel?

6 A. Both in Penzberg and in Basel, or at least
7 partially under my direction.

8 Q. Why don't we take a break to switch the tape?

9 A. Okay.

10 VIDEOGRAPHER: In the deposition of Dr. Michael
11 Jarsch this marks the end of tape number 1. The time is
12 11:09. We're off the record.

13 (Off the record)

14 VIDEOGRAPHER: In the deposition of Dr. Michael
15 Jarsch this marks the beginning of tape number 2. The time
16 is 11:14. We're back on the record.

17 MR. GALVIN: Doctor, I'm going to hand you a few
18 exhibits to ask you some questions about these graphical
19 depiction of the three-dimensional structure of Roche
20 503821.

21 The first exhibit I'll hand you has been marked as
22 exhibit 4, bearing production numbers R621825 through 854.

23 The next document I'll hand you has been marked
24 for identification as exhibit 5, bearing production numbers
25 R10-634385 through 390.

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1 you seen exhibit 5 before?

2 A. Exhibit 5 looks familiar. There may be
3 changes in this actual document to that one I have seen, but
4 I cannot recall exact details.

5 Q. Was this CERA modelling prepared by your
6 colleagues in the modelling group in Penzberg?

7 A. You are referring to which models?

8 Q. Everything in the slide deck.

9 A. Everything in the slide deck. So the slide
10 deck was, as we can see in the top page, prepared by the
11 modelling group in Penzberg.

12 Q. And was this model prepared at your request?

13 A. This model was prepared under my coordination,
14 not my lone request.

15 Q. Who else requested it?

16 A. It could be that Dr. Anton Haselbeck also
17 participated in the supervision or the requesting of this
18 kind of work.

19 Q. And when was this prepared?

20 MS. CARSON: Objection. Vague.

21 A. I cannot recall the exact date without looking
22 into any kind of files I have that could be looked up.

23 MR. GALVIN: Was it prepared within the last year?

24 MS. CARSON: Objection. Vague.

25 A. It could probably have been finished last

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1 A. I have seen these depictions, yes.

2 Q. Did you copy those depictions on to your
3 computer?

4 A. Could be, but I'm not sure.

5 Q. I mean, counsel, we've requested these before
6 and we renew our request for colour versions and animated
7 versions of the models that have been prepared that have yet
8 to be produced.

9 MS. CARSON: Have you provided that request to us
10 in writing?

11 MR. GALVIN: We have provided it in writing, and
12 our ability to question Dr. Jarsch has been prejudiced by
13 your failure to produce the actual models.

14 MS. CARSON: I'll take it under advisement.

15 MR. GALVIN: If you turn to the next exhibit,
16 exhibit 8, this is an e-mail thread between you and Sheila
17 Gies or Gies.

18 A. I'm not sure either.

19 Q. Okay. Do you know what position Ms. Gies held
20 in October 2006?

21 A. I don't know the exact position, but she is --
22 her responsibility is within communications.

23 Q. I'd really just like to ask you about the
24 second e-mail in the string from you -- I'm at the bottom of
25 the page -- dated October 26th, 2006, and you identify

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1 Q. They haven't generated any images whatsoever?

2 A. We've decided not to go into collaboration

3 with that company.

4 Q. Why not?

5 A. It was, let's say, a decision based on several

6 reasons.

7 Q. And what were those reasons?

8 A. Among those reasons was -- one was definitely

9 the amount of budget that would have been devoted for this

10 and also another reason was the progress we made with our

11 internal efforts to generate these kind of images.

12 Q. Now other than the work images that were

13 generated by the group in Basel or the group in Penzberg are

14 you aware of any other images depicting three-dimensional

15 structure of Roche 503821 that have been generated by Roche

16 or for Roche?

17 A. I'm not aware of any other attempts or images

18 that have been generated to show three-dimensional depiction

19 of the CERA molecule.

20 MS. CARSON: Mr. Galvin --

21 A. Maybe -- one second -- there may be attempts

22 to generate -- how do you say -- schematic -- schematic

23 depictions that not really reflect the three-dimensional

24 structures, and some of our images or the generated basis

25 here have been used by an agency in New York to generate

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1 additional kind of image displays.

2 MR. GALVIN: And who is this agency in New York?

3 A. The name is Anatomical Travel Log.

4 Q. Anatomical Travel Log?

5 A. Yes.

6 Q. And who is the contact person at Anatomical

7 Travel Log?

8 MS. CARSON: Objection. No foundation.

9 A. I can't tell you the exact contact. The

10 contact is not directly from the preclinical team or myself.

11 MR. GALVIN: And have you seen --

12 A. The contact is from Roche Nutley.

13 Q. Have you seen images generated from Anatomical

14 Travel Log?

15 A. I have very recently seen some of these drafts

16 that have been generated. I have never seen final versions.

17 Q. And how -- when you say "very recently", what

18 do you mean?

19 A. Within the frame of this year, not before

20 I assume.

21 Q. And what was depicted in these draft graphics

22 that you've seen from Anatomical Travel Log?

23 MS. CARSON: Objection. Vague. Overbroad.

24 A. Again these are displays of the molecule in an

25 animated way.

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CERTIFICATE OF DEPONENT

I, Dr. Michael Jarsch, hereby certify that I have read the

foregoing pages, numbered 10 through 194, of my deposition

of testimony taken in these proceedings on Tuesday, March

27th, 2007, and, with the exception of the changes listed on

the next page and/or corrections, if any, find them to be a

true and accurate transcription thereof.

Signed:

Name: Dr. Michael Jarsch

Date:

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CERTIFICATE OF COURT REPORTER

I, Melanie Ball, an accredited real-time reporter hereby certify
that the testimony of the witness Dr. Michael Jarsch in the
foregoing transcript, numbered pages 10 through 194, taken
on Tuesday, March 27th, 2007 was recorded by me in machine
shorthand and was thereafter transcribed by me; and that the
foregoing transcript is a true and accurate verbatim record
of the said testimony.

I further certify that I am not a relative, employee,
counsel or financially involved with any of the parties to
the within cause, nor am I an employee or relative of any
counsel for the parties, nor am I in any way interested in
the outcome of the within cause.

Signed:

Name: Ms. Melanie Ball

Dated:

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E R R A T A

Deposition of Dr. Michael Jarsch

Page/Line No.	Description	Reason for change
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Signed:

Name: Dr. Michael Jarsch

Date: