

EXHIBIT 4

USDC - Depo: Haselbeck, Anton 30(b)(6) RESTRICTED-ACCESS CONFIDENTIAL 3/1/2007 9:04:00 AM

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3

AMGEN INC.,)

4)

Plaintiff,)

5)

vs.) Civil Action No.

6) 05 Civ. 12237 WGY

F. HOFFMANN-LA ROCHE LTD,)

7 ROCHE DIAGNOSTICS, GmbH, and)

HOFFMAN-LA ROCHE INC.,)

8)

Defendants.)

9 -----)

10

11 **RESTRICTED ACCESS**

12

13 CONFIDENTIAL VIDEOTAPED
14 DEPOSITION OF DR. ANTON HASELBECK

15 New York, New York

16 Thursday, March 1, 2007

17

18 (This transcript contains
testimony designated confidential as per
19 Section 5(c) of the Amended Protective
Order. Please treat the entire
20 transcript in accordance with the
protective order.)

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22

23

24 Reported by:
FRANCIS X. FREDERICK, CSR, RPR, RMR

25 JOB NO. WS01818

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1 Q. You're not aware of any efforts by
2 Roche to identify or model the
3 three-dimensional confirmation of the EPO in
4 Roche 50-3821?

5 MS. BEN-AMI: Objection. Lack of
6 foundation.

7 A. I'm aware of attempts to simulate
8 the structure of Ro 50-3821.

9 Q. And who has performed those
10 attempts to simulate the structure of Roche
11 50-3821?

12 A. There has been studies done within
13 Roche in Germany within the molecular modeling
14 group within our research organization to
15 model Ro 50-3821.

16 Q. And what persons were involved in
17 that effort, to your knowledge?

18 A. Yes. I know those persons. The
19 name of one person is Dr. Schaefer,
20 S-C-H-A-E-F-E-R. And another person is Guy
21 George. That's a French name. G-U-Y. And
22 then George.

23 Q. Anyone else?

24 A. In addition, there have also been
25 people involved in our Basel unit,

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1 Switzerland.

2 Q. Um-hum.

3 A. I cannot recall the name at the
4 moment who did actually the work.

5 One person who did at least some
6 simulation work is Dr. Ross in Basel, R-O-S-S.

7 Q. Anyone else?

8 A. I think these are the key person
9 at least that I remember at the moment.

10 Q. And have you seen these -- the
11 results of this modeling or simulation work
12 for the structure of Roche 50-3821?

13 A. I have seen those.

14 Q. And what format was it in? Was it
15 in animation?

16 A. It's a computer simulation. It's
17 an animation. It's based on using a certain
18 algorithm, certain programs, which I am not a
19 specialist for to basically get an idea about
20 the three-dimensional structure of this whole
21 compound.

22 Q. And for modeling this
23 three-dimensional structure of this -- of
24 Roche 50-3821, did Roche use data from X-ray
25 crystallography or NMR analysis of EPO to

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1 not aware of that -- of this kind of data.

2 Q. Now, when we talk about this
3 model, is this a computer file that would
4 actually allow rotation and visualization of
5 the structure?

6 MS. BEN-AMI: Objection. Outside
7 scope. No first-hand knowledge.

8 A. I'm really not an expert in this
9 so I can't actually not answer this. I've
10 seen pictures but I don't know what is the
11 underlying software or principles. So this is
12 way beyond my expertise here.

13 Q. When you saw pictures did you just
14 see a photograph, an image, or did you see
15 movement being depicted?

16 A. There was also movement being
17 depicted in a series of pictures.

18 Q. Were there -- have you seen two
19 separate models developed by the individuals
20 in Roche Germany and the individuals in Roche
21 Basel?

22 MS. BEN-AMI: Objection. Outside
23 the scope. You can answer.

24 A. Yes. I've seen different models
25 created by using different techniques in my

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1 knowledge on how it was achieved and what was
2 used to begin with.

3 RQ MR. GALVIN: And, counsel, if it
4 hasn't already been produced we do
5 request the electronic files of any
6 structural modeling for Roche 50-3821.
7 We'll follow up on it.

8 MS. BEN-AMI: I'll take it under
9 advisement. I'm not sure you're
10 entitled to it.

11 MR. GALVIN: Okay.

12 BY MR. GALVIN:

13 Q. Sticking with this modeling, how
14 did Roche model the three-dimensional
15 structure of the glycosylation for Roche
16 50-3821?

17 MS. BEN-AMI: Object to the form.
18 Outside the scope. No first-hand
19 knowledge.

20 A. I cannot answer this. I have
21 no -- no inside information on how this was
22 actually perceived.

23 Q. Did you have copies of the
24 animations from this modeling of the
25 three-dimensional structure from Roche 50-3821

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1 in your possession?

2 MS. BEN-AMI: Objection.

3 Mischaracterization.

4 A. What do you mean with copies?

5 Hard copies or electronic copies or --

6 Q. Either one.

7 A. I do have part of some

8 presentations.

9 Q. Do you have electronic copies?

10 A. I do have electronic copies.

11 Q. And when were these models of the

12 three-dimensional structure of Roche 50-3821

13 prepared?

14 A. You mean the time frame?

15 Q. Yes.

16 A. I would say over the last two

17 years I think and mainly last year. Say 2006,

18 starting 2005. As far as I remember now.

19 Q. And is that work ongoing within

20 Roche to attempt to model the

21 three-dimensional structure of Roche 50-3821?

22 MS. BEN-AMI: Same objections.

23 A. I don't know actually if it's

24 still ongoing. I cannot tell you now for sure

25 that this has been completed or there's still

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1 some activities ongoing. I need to take this

2 and have a look and talk to other people.

3 Q. Okay. I just want to be clear. I

4 think I may have asked you this but the

5 modeling that you have seen, you're not sure

6 whether Roche has modeled the

7 three-dimensional structure of the EPO

8 receptor; is that correct?

9 A. I'm not sure. We have not -- we

10 could have used a structure of the EPO within

11 the receptor which is also public. I think we

12 have not modeled anything which was your

13 question.

14 Q. Oh, okay.

15 A. As I understood it. We have not

16 modeled the EPO receptor. I think that...

17 Q. So that's publicly available. I

18 could --

19 A. Right. I think -- we certainly

20 have used also the epoetin receptor structure

21 as it is available in the public domain.

22 Q. Okay. And has Roche -- have you

23 seen animations depicting the

24 three-dimensional structure of Roche 50-3821

25 as modeled by Roche interacting with the

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1 three-dimensional structure -- published

2 three-dimensional structure for the EPO

3 receptor?

4 A. I believe in the early phase of

5 this modeling attempts there was a picture

6 created where the EPO -- the Ro 50-3821

7 attaches to the receptor by basically just

8 using the receptor and putting Ro 5031 (sic)

9 onto the receptor. I believe there is such a

10 picture being made in the early phase of this

11 project.

12 Q. And in that modeling of the

13 structures of Roche 50-3821 interacting with

14 the EPO receptor, did the model depict the

15 points of contact, the beginning points

16 between Roche 50-3821 and the EPO receptor as

17 being the same or different than EPO?

18 MS. BEN-AMI: Objection.

19 Mischaracterization of the "modeling."

20 Outside the scope. No first-hand

21 knowledge.

22 A. I really do not have the relevant

23 information to answer this in a way it is the

24 same or is it different because I do not know

25 exactly how this was done.

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1 NAME OF CASE: AMGEN v. LAROCHE
2 DATE OF DEPOSITION: MARCH 1, 2007
3 NAME OF WITNESS: ANTON HASELBECK

4 Reason codes:

- 1. To clarify the record.
- 2. To conform to the facts.
- 3. To correct transcription errors.

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