

# **EXHIBIT 11**

DAY CASEBEER  
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December 2, 1999

VIA FACSIMILE & U.S. MAIL

Ed Di Lillo, Esq.  
Darby & Darby  
805 Third Avenue  
New York, NY 10022-7513

**Re: Amgen v. Hoechst/TKT, No. 97-10814-WGY**

Amgen / TKT \* EPO  
0101-006  
David Madrid  
Rusty Day  
Craig Casebeer  
Jackie Nakamura  
Linda Baxley-Sasaki  
Jennifer Dupré  
Deborah Fishman  
Rob Galvin  
Jonathan Loeb  
Jim Nesbitt  
Elaine Stracker  
Chris Stretch  
Terry Tang  
Judi Ubando  
File: Carol Williams  
Client: Stuart Watt (fax)  
Co-counsel: Ed O'Toole

Dear Ed:

This is to follow up on my letter to you of yesterday regarding Lonza's production of cell line samples. Please forward by overnight carrier three frozen aliquots, each containing at least one million cells from each production cell line currently used to manufacture HMR 4396, along with complete and accurate instructions for the growth and maintenance of the cells to:

Dr. Thea Tlsty, Department of Pathology, 513 Parnassus Avenue, HSW 451, University of California at San Francisco, San Francisco, CA 94143-0506 [(415) 502-6115].

I have enclosed a copy of Dr. Tlsty's signed undertaking under the protective order. The cells and the accompanying instructions for growth and maintenance will be treated as Highly Confidential under the First Amendment to the Protective Order governing Lonza's production. Please arrange to have these cells properly packaged and sent overnight to Dr. Tlsty to arrive no later than Wednesday, December 8, 1999. Additionally, we would appreciate it if you or someone at Lonza would be kind enough to telephone Dr. Tlsty the day the cells will be shipped, so that she will know to expect them. She can be reached at (415) 502-6115.

Amgen plans to grow these cells to laboratory scale in shaker flasks and/or roller bottles. Thus, the instructions for growth and maintenance of the cells should include at a minimum (1) the type and amount of serum the cells are grown in, (2) the source and amount of methotrexate the cells are grown in, (3) the growth media used to culture the cells, (4) the presence or absence of

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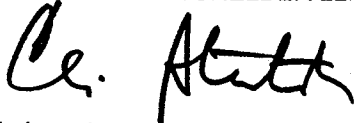
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any additives, antibiotics, or anti-fungal agents, (5) the percentage of carbon dioxide used for incubation, and (6) the preferred density for growth. Finally we would appreciate you providing a contact at Lonza whom Dr. Tlsty can reach should any technical issues arise.

Thank you for your prompt attention to this matter and please call me if you have any questions.

Very truly yours,

DAY CASEBEER  
MADRID & BATCHELDER LLP



Christopher E. Stretch

CES:sv  
Enclosure

cc: D. Dennis Allegretti, Esq. (w/ encl.)  
Stuart Watt, Esq. (w/ encl.)  
Edward M. O'Toole Esq. (w/ encl.)  
Eric J. Marandett, Esq. (w/ encl.)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMGEN INC., )

Plaintiff, )

v. )

HOECHST MARION ROUSSEL, INC. )

and )  
TRANSKARYOTIC THERAPIES, INC., )

Defendants. )

Civil Action No.  
97-10814-WGY

UNDERTAKING OF: THEA D. TLSTY

STATE OF CALIFORNIA )  
  ) ss.:  
COUNTY OF SAN FRANCISCO

1. My address is 135 PACHECO AVE.  
SAN FRANCISCO, CA 94116.

2. My present employer is and the address of my present employment is  
UNIV. OF CA. at SAN FRANCISCO

3. My present occupation or job description is FULL PROFESSOR.  
DEPT. OF PATHOLOGY

4. I have received a copy of the Stipulation and Protective Order in this action.

5. I have carefully read and understand the provisions of the Stipulation and

Protective Order.

6. I will comply with all of the provisions of the Protective Order.

7. I will hold in confidence, will not disclose to anyone not qualified under the Protective Order, and will use only for purposes of this action, any confidential information which is disclosed to me. I acknowledge that termination of the litigation does not release me from the obligations set out in this paragraph.

8. I will return all confidential information which comes into my possession, and documents or things which I have prepared relating thereto, to counsel for the party by whom I am employed or retained.

9. I hereby submit to the jurisdiction of this Court for the purpose of enforcement of the Stipulation and Protective Order in this action.

*Thea D. Tlsty*

Name: THEA D. TLSTY  
Address: 135 PACHECO AVE  
SAN FRANCISCO, CA  
94116

SUBSCRIBED and SWORN to before me  
this 23<sup>rd</sup> day of SEPTEMBER, 1999

*Betty F. Jerez*  
Notary Public

My Commission Expires:  
SEPT. 22, 2002

