

EXHIBIT 8

DAY CASEBEER
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October 5, 1999

VIA FACSIMILE AND U.S. MAIL

Douglas J. Gilbert, Esq.
Fish & Neave
1251 Avenue of the Americas
New York, New York 10020

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

Dear Doug:

I write to address HMR and TKT's responses to Amgen's Interrogatories 6-12 and Second Request for the Production of Documents.

HMR/TKT Interrogatory Responses

We take issue with your responses to interrogatory numbers 6, 7, 8, 10, 11, and 12. With respect to interrogatory 9, which seeks defendants' contentions regarding infringement of the '349 and '422 patents, we assume HMR/TKT will respond on November 1, as ordered by the Court.

With respect to interrogatory number 6, defendants have not identified the source of any of the 500,000 documents claimed to have been produced. Our request that defendants produce an index indicating whom, among the many TKT/HMR/Quintiles employees, produced documents, is entirely reasonable given our need to have the appropriate personnel authenticate documents, and our need to identify personnel who should have, but did not, produce documents. Thus, your suggestion that this request is not reasonably calculated to lead to the discovery of admissible evidence is without merit.

With respect to interrogatories 7, 8, 10, and 11, defendants responses that the answers to these interrogatories can be found among the 500,000 documents produced by defendants, is entirely insufficient. Defendants reliance on Federal Rule of Civil Procedure 33(d) is misplaced. That rule provides that a specification of the records from which an answer may be obtained "shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as the party served, the records from which the answer may be ascertained." Clearly the rule

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contemplates, at a minimum, listing bates ranges wherein the relevant documents lie. Defendants response, which amounts to "find it yourself," is not in good faith. This is especially true in light of your refusal thus far to even provide an index to defendants' production.

With respect to interrogatory 12, which sought information regarding the "first commercial batch," your response that HMR 478024 "does not identify a 'first commercial batch'" is neither an answer nor an objection. First, the document you cite was listed only as a reference to assist you in locating the information. Second, it provides: "Marburg to be ready to release 'commerical' batches. (21 first one)". Your attempt to quibble with the quotation from the document, and use that as a basis to ignore the interrogatory is improper. In any event, defendants failed to object to this interrogatory other than to argue with a document that speaks for itself.

HMR/TKT Responses to Second Request for Production

We take issue with your responses to Requests for Production 36, 37, 38, 39, and 53.

Requests 36 and 37 sought samples and documents relating to the Master Cell Bank and Manufacturer's Working Cell Bank for production lines used in the production of HMR 4396. To suggest that these cell banks are outside defendants' possession, custody or control is surprising. Is it defendants' position that it is not entitled to seek samples of the cell banks it developed from Lonza? Would this be defendants' response were the FDA asking for a sample of the cell banks? Moreover, as documents produced by defendants indicate, Lonza has in the past provided the cell line to others when requested to do so by defendants. (*See, e.g.*, HMR 050773-050777 and HMR 018356-018368; *see also* Hancock Deposition, October 1, 1999 at 118:19-22.)

With respect to Request 38, which seeks a sample of formulated HMR 4396, your attempt to condition production of formulated product on our production of "Miyake or Miyake-like" EPO is completely improper. The August 5, 1999 letter you cite objected to Amgen's request only on the ground that a formal request had not been served. A formal request has now been served.

With respect to Request 39, which sought documents relating to EPO studies performed by Peter Hermentin or others at HMR -- Marburg, defendants' suggestion that such documents are beyond its possession, custody and control is belied by the acknowledgement that it has previously collected documents from this entity relating to the Section 271(e) issue. (*See*, September 23 letter from Douglas J. Gilbert to Robert M. Galvin, at 2; HMR 092634.)

Finally, with respect to Request 53, which sought documents concerning or relating to the *selection* of the HT 1080 cell line and the R223 production cell line, defendants' response that they already produced documents relating to these cell lines is not sufficient. Please certify that you have produced all documents concerning or relating to the *selection* of these cell lines.

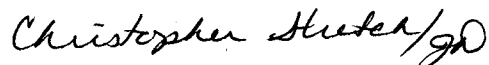
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We would like to resolve these issues informally. Consequently I request a telephonic discovery conference at your earliest availability pursuant to L.R. 37.1.(A). Please let me know when you are available.

Very truly yours,

A handwritten signature in cursive script that reads "Christopher Stretch/gd".

Christopher Stretch

CES:nds

cc: D. Dennis Allegetti, Esq.
Stuart Watt, Esq.
Edward M. O'Toole Esq.
Eric J. Marandett, Esq.