Amgen Inc. v. F. Hoffmann-LaRoche LTD et al

Doc. 341 Att. 7

Case 1:05-cv-12237-WGY

Document 341-8

Filed 03/28/2007

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EXHIBIT G

KAYE SCHOLER LLP

Christopher Jagoe 212 836-7800 Fax 212 836-6390 cjagoe@kayescholer.com 425 Park Avenue New York, New York 10022-3598 212 836-8000 Fax 212 836-8689 www.kayescholer.com

March 13, 2007

WIA EMAIL & FAX

Jonathan Loeb, Esq.
Day Casebeer Madrid & Batchelder LLP
20300 Stevens Creek Blvd., Suite 400
Cupertino, CA 95014

Re: Amgen, Inc. v. F. Hoffmann-La Roche, Ltd, et al.

Dear Jonathan:

D:

I am writing to schedule a date to continue the deposition (personal and 30(b)(6)) of Dr. Strickland. I propose March 22, 2007 at the offices of Kaye Scholer LLP in Los Angeles. In addition, I request production of the following documents and things prior to continuing the deposition:

- 1. A sample of the Goldwasser "alpha" and "beta" urinary erythropoietin mentioned in Strickland Lab Notebook 4790 at page 79, and referred to as "α-Epo M-7-72-2" and as "β-Epo HT 7-27-76 (3)."
- 2. A sample of the urinary erythropoietin purified by the "Miyake/Goldwasser procedure" mentioned in paragraph seven of the Expert Report of Dr. Strickland submitted in Amgen v. TKT, dated January 24, 2000, and referred to as "HAFr II 13590-9", as well as a sample of the material referred to in the same paragraph as "HAFr II 13950-13."
- 3. A sample of the urinary erythropoietin referred to by Amgen as "Lot 82."
- 4. A sample of the rHuEPO clinical material referred to by Amgen as "Lot 514" as well as that referred to as "Lot 516."

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KAYE SCHOLER LLP

March 13, 2007 2 Jonathan Loeb

- 5. A sample of the recombinant erythropoietin purified by the method disclosed in the Declaration submitted by Dr. Strickland on May 19, 1994 in the European Opposition proceeding against Genetics Institute. ("May 19th Declaration") (See id. at § 6 ("In order to demonstrate the viability of the specific disclosure of Example 10 . . . reverse phase HPLC was used to purify rEPO directly from cell culture media . . .")).
- 6. A sample of any other recombinant erythropoietin purified by the method(s) disclosed in the May 19th Declaration.
- 7. A first-generation color copy of the May 19th Declaration, including all exhibits.
- 8. A first-generation color copy of the complete document entitled "Amgen Inc. Response to FDA Questions - 8/10/88," including all attached figures. For your convenience in locating this document, a partial copy with undecipherable gels has been produced at AM-ITC 00339546.
- 9. A copy of the binder containing the affidavits, declarations and expert reports of Dr. Strickland that was provided to Dr. Strickland to prepare for his March 9th deposition.

Please confirm that you will be producing these materials prior to March 22, 2007.

Very truly yours,

Christopher Jagoe

cc: Thomas F. Fleming, Esq. Howard S. Suh, Esq. Julia Huston, Esq. Michele Moreland, Esq. Mark Izraelewicz, Esq.

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KAYE SCHOLER LLP

From: Christopher Jagoe

212 836-7800 Fax 212 836-6364 cjagoe@kayescholer.com

425 Park Avenue

New York, New York 10022-3598

212 836-8000 Fax 212 836-8689 www.kayescholer.com

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Total number of pages including this cover sheet: **DATE:** March 13, 2007

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Jonathan Loeb, Esq.	408-873-0220	408-342-4545
Michele E. Moreland, Esq.	650-813-5100	650-813-5060
Mark Izraelewicz, Esq.	312-474-0448	312-474-6300
Julia Huston, Esq.	617-443-0004	617-443-9292

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NOTE:	PLEASE SEE ATTACHED CORRESPONDENCE.
M	
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I	

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