

APPENDIX A

Part 1 of 4

Summary of Objections in the 3/09/07 Deposition of Thomas Strickland

Number	Page and Line	Question	Objection
1	14:24-15:8	Q Do you remember how you came to know that you were going -- your deposition was going to be taken in this case?	DR. LOEB: Wait. Objection. I counsel the witness not to reveal any communications between you and any attorneys with respect to this deposition or anything else.
2	16:3-16:10	Do you know if you were contacted prior to February 21st, 2007, about appearing for deposition in this case?	I instruct you not to answer. These are communications that are between lawyers and the witness. It's improper questioning.
3	16:24-17:2	And you don't remember whether it was before or after February 21st, 2007?	DR. LOEB: Objection. Asked and answered.
4	17:18-17:23	And so this morning was the first time you knew you were being represented by Mr. Loeb?	DR. LOEB: Again, that calls for attorney-client privilege, and I instruct the witness not to answer.
5	17:25-18:8	I don't think it calls for attorney-client privilege to know when the representation started. So I'm going to ask you again. Do you know when you were -- when you first recognized you were being represented by Mr. Loeb?	DR. LOEB: I instruct you not to answer, Dr. Strickland.
6	18:21-19:3	Q Did you do anything to prepare for this deposition? A Yes. *Q* What did you do?	DR. LOEB: Objection. To the extent your preparation involved communication with me or other attorneys, I instruct you not to answer.
7	19:12-19:20	When did you first become aware that you would be a 30(b)(6) witness in this case?	DR. LOEB: Objection. I instruct the witness not to answer. That calls for privileged information. MR. JAGOE: What's the privilege? DR. LOEB: I don't need to answer your questions.
8	24:20-24	And were those notebooks from your own laboratory notebooks, or from the laboratory notebooks of someone else?	DR. LOEB: Objection. Compound.

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9 25:3-6	Q Do you recall laboratory notebook pages from anybody else?	DR. LOEB: Objection. Ambiguous.
10 25:24-26:7	And in the previous category that you identified, the notebooks regarding the subject matter of pegylation of EPO, were those all your notebooks or were they -- were there other people's notebooks included?	DR. LOEB: Objection. Compound, ambiguous. THE WITNESS: What was the last? DR. LOEB: Ambiguous.
11 27:14-19	And the chemical reaction forms a new chemical entity?	DR. LOEB: Objection. Mischaracterizes the witness's testimony and ambiguous, and also calls for expert testimony
12 34:22-35:1	So yesterday, you had meetings for between four and five hours, with lawyers at Amgen; is that correct?	DR. LOEB: Objection. Ambiguous.
13 36:18-23	And did you know, prior to Wednesday of this week, that you were going to be a 30(b)(6) witness in this case?	DR. LOEB: Tom, I instruct you not to answer. That's privileged information.
14 37:9-14	Did you sit down in your office and pull out a file folder and say, "Let me" -- to yourself -- "review these documents so that I'm well-informed when I appear as a 30(b)(6) witness"? For example	DR. LOEB: Ambiguous and vague.
15 37:20-25	Did you do anything, outside of those three meetings that we've just discussed, to prepare yourself to testify as a 30(b)(6) witness?	DR. LOEB: Objection. Vague and ambiguous.
16 38:4-6	Why did you review those documents?	DR. LOEB: Objection. Vague and ambiguous.
17 39:22-25	Who put the binder together?	DR. LOEB: I -- hang on a second. Tom, that also calls for privileged information, and I instruct you not to answer.
18 40:8-13	How did the binder come into your possession?	DR. LOEB: Again, I instruct you not to answer. It's privileged information.
19 41:9-13	And the binder included things that you had signed and submitted to various jurisdictions?	DR. LOEB: Objection. Lacks foundation.

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20	41:25-42:6	Was the binder -- contents of the binder -- were they related to the topics you were preparing for to testify as a 30(b)(6) witness?	DR. LOEB: Objection. Misstates the witness's prior testimony, and it's vague and ambiguous
21	44:6-10	If you had spent the whole day reviewing the binder two weeks ago, do you think you would remember?	DR. LOEB: Objection. Argumentative.
22	48:10-21	And when did you -- what was the first thing that you did to prepare yourself as a fact witness?	DR. LOEB: Tom, I instruct you not to answer to the extent that you're telling -- answering any questions about the specific documents that you reviewed, the documents that were provided by counsel, your communications with counsel. You are free to answer questions about how long you prepared and who was present while you were preparing, but that is it.
23	15:14-20	So your total preparation as a fact witness was the full-day meeting about two or three weeks ago, plus the parts of the days on Wednesday and Thursday, when you were preparing as a 30(b)(6) witness; is that right?	DR. LOEB: Objection. Mischaracterizes the testimony.
24	51:22-52:1	Did you do anything else to prepare yourself as a fact witness?	DR. LOEB: Again, Tom, I caution you not to reveal any of the substance of your preparation as a fact witness here today.
25	52:19-22	That was -- that was over the past two to three weeks?	DR. LOEB: Objection. Vague and ambiguous.
26	53:7-11	Did you select the documents that you were going to review in preparation as a fact witness?	DR. LOEB: Tom, I instruct you not to answer that question.
27	53:13-18	It's a "yes" or "no" question. Did you select them?	DR. LOEB: And I instruct you not to answer. It's privileged and work-product information.
28	53:24-54:6	Were there any documents that you selected to review, outside of documents that counsel recommended you to review?	DR. LOEB: First of all, it lacks foundation. Second of all, I instruct you not to answer the question, because it implicates the

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		work-product doctrine.
29	55:9-13	Did you review any of your prior testimony in preparation for this deposition?
		DR. LOEB: To the extent that we're talking about his fact deposition, I instruct you not to answer.
30	56:17-57:2	Are you aware of any testimony that you've given on any prior occasion that you'd like to take back?
		DR. LOEB: Objection. Vague, ambiguous, and overbroad; just have elicited testimony that he's testified many times before. It's completely unreasonable to ask him whether he knows whether every word he said over the course of days of testimony are wholly complete and accurate.
31	58:1-10	So -- I don't think I got an answer to my other question, though. Are you aware of any testimony that you've given in any prior occasion that you'd like to take back?
32	58:11-19	MR. JAGOE: I think you must be aware of some testimony you want to take back.
		DR. LOEB: Objection. Argumentative and inappropriate. I would appreciate it if you cut back on the sarcasm a little bit. MR. JAGOE: I'd appreciate doubling your long-winded objections, since we're on the clock here.
33	61:21-25	Was it ongoing at the time you left UCLA to join Amgen?
34	63:6-9	Is the pituitary glycoprotein hormone an obligate glycoprotein?
35	64:1-8	And was there -- did you have any other connections to Amgen prior to joining in April, 1984, other than that you worked in Dr. Pierce's lab, who had a collaboration at some point with Arlen Thomason on the pituitary glycoprotein hormone?
36	64:16-18	Do you have any knowledge, firsthand knowledge, of the work done at Amgen on erythropoietin prior to April of 1984?
		DR. LOEB: Objection. Lacks foundation. Vague and ambiguous.

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37	65:10-13	Do you know -- do you have any understanding of why you were hired by Amgen?	DR. LOEB: Objection. Calls for speculation
38	67:6-10	And did there come a time when you were assigned to work on the erythropoietin project at Amgen?	DR. LOEB: Objection. Lacks foundation.
39	69:25-70:3	Do you have a retirement fund set up through Amgen?	DR. LOEB: Objection. Vague.
40	70:15-19	When you were first hired by Amgen, were you offered shares or options of Amgen stock as your compensation?	DR. LOEB: Objection. Compound.
41	72:9-16	Are you being paid your normal salary for testifying? Let me strike that question. Has there been any special provisions made to compensate you for your time spent as a witness in this case?	DR. LOEB: Objection. Vague.
42	72:19-22	Now, do you consider yourself to be a -- an expert in any particular field?	DR. LOEB: Objection. Vague.
43	73:20-25	And would that -- does that field that you've identified include the analysis of the purified erythropoietin?	DR. LOEB: Objection. Vague. What do you mean by "analysis"?
44	74:12-19	Just to get us back, I think we established that you started working on the erythropoietin project at Amgen sometime within the first several months after joining in April of 1984; right?	DR. LOEB: Objection. Mischaracterizes the previous testimony.
45	74:24-75:2	What was the status of the project at the time when you started to get involved?	DR. LOEB: Objection. Vague and ambiguous as to status.
46	75:14-18	So there was an established erythropoietin project at the time that you were assigned to work on it; right?	DR. LOEB: Objection. Lacks foundation.
47	75:20-21	Is that correct?	DR. LOEB: Ambiguous.
48	76:11-14	So I'll go back to my other question: What was the status of that ongoing project when you started to get involved?	DR. LOEB: Ambiguous.
49	76:20-77:2	Was it your understanding, at the time you started working on the erythropoietin	DR. LOEB: Objection. Ambiguous. Lacks foundation. Calls

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		project, that it was the goal to make a pharmaceutical composition that could be used to treat kidney dialysis patients?	for speculation.
50	77:6-11	Was it your understanding that the goal was to make a pharmaceutical composition for some human use?	DR. LOEB: Objection. Ambiguous. Lacks foundation. Calls for speculation.
51	77:15-21	Did it -- did it -- did you ever come to the understanding that Amgen wanted to develop an erythropoietin containing pharmaceutical composition?	DR. LOEB: Objection. Ambiguous. Lacks foundation. Calls for speculation.
52	78:6-12	At the time you started working on the project, did Amgen have -- had Amgen treated any human subjects with erythropoietin, to your knowledge?	DR. LOEB: Objection. Calls for speculation. Lacks foundation.
53	78:17-21	Did you have -- what did you understand your goal to be on the erythropoietin project --	DR. LOEB: Objection. Lacks foundation.
54	79:2-6	And why were you trying to purify urinary erythropoietin?	DR. LOEB: Objection. Lacks foundation. Calls for speculation.
55	79:15-19	Now, when you said it was your goal to help purify some urinary erythropoietin, what did you mean by "urinary erythropoietin"?	DR. LOEB: Objection. Mischaracterizes the testimony.
56	80:10-16	So the -- your goal was to isolate human EPO from human urine? DR. LOEB: Objection. BY MR. JAGOE: Q Is that correct?	DR. LOEB: Objection. Vague.
57	80:23-81:2	Was the EPO that you isolated from human urine, identical to the human urine?	DR. LOEB: Objection. Vague and ambiguous. What do you mean by "identical"?
58	81:15-19	Okay. And what material were you given -- to work with?	DR. LOEB: Objection. Vague.
59	82:6-11	So the material that you isolated, was it different than the material that you started with?	DR. LOEB: Objection. I still don't know what you mean by different.

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60	82:17-20	So what was isolated was separated from other things that were in the human urine?	DR. LOEB: Objection. Vague.
61	82:24-83:2	What other things were in the human urine before you separated the EPO?	DR. LOEB: Objection. Vague.
62	83:8-12	Do you know what the initial form the material was in, regardless of whether you did it?	DR. LOEB: Objection. Calls for speculation.
63	83:15-20	Did any of the documents that you reviewed in preparing for your deposition, refresh any memory about what that material was?	DR. LOEB: Objection. Vague.
64	83:24-84:4	So your first project was to help in purifying EPO from human urine, and you succeeded at that -- in that goal; correct?	DR. LOEB: Objection. Mischaracterizes the witness's testimony.
65	84:12-16	And the EPO that you isolated was more pure than the EPO, as it was in the human urine, before the project was started?	DR. LOEB: Objection. Vague, ambiguous.
66	84:21-25	Do you know what was done with that EPO that you isolated from human urine?	DR. LOEB: Objection. Vague and ambiguous. Calls for speculation. Lacks foundation.
67	85:10-15	Did it show that the EPO had the property of being able to increase red blood cells in an animal?	DR. LOEB: Objection. Lacks foundation. Calls for speculation. Calls for expert testimony.
68	85:18-23	So when you said you believed it was active in an in vivo assay, what did you believe that was -- that assay showed?	DR. LOEB: Objection. Vague. Calls for speculation.
69	86:6-12	And the incorporation of the radioactive iron is an indication of red blood cells and reticulocytes being formed in response to the EPO?	DR. LOEB: Objection. That calls for expert testimony and lacks foundation.
70	86:18-22	What was your second project that you -- what was your second goal after isolating EPO from human urine?	DR. LOEB: Objection. Lacks foundation.
71	87:17-21	And before you took on that goal, had anybody at Amgen succeeded in doing that?	DR. LOEB: Objection. Calls for speculation. Lacks foundation. And ambiguous, vague.
72	88:11-14	And do you know why you were trying	DR. LOEB: Objection.

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	to develop your own protocols?	Calls for speculation
73 88:20-24	Were you trying to purify EPO from mammalian cells grown in culture?	DR. LOEB: Objection. Vague. What time are you talking about?
74 89:2-4	The time you started doing the project.	DR. LOEB: What project.
75 91:7-11	And was Dr. Lin directing your research at that time?	DR. LOEB: Objection. Vague and ambiguous. Calls for speculation.
76 91:18-21	Did he tell you the types of procedures to run?	DR. LOEB: Objection. Vague.
77 92:3-6	Would you consider the work that you did more than routine work?	DR. LOEB: Objection. Vague and ambiguous.
78 92:19-23	Would you consider the word -- would you consider yourself to have just been a pair of hands?	DR. LOEB: Objection. Vague.
79 93:9-12	Do you know how long you worked at that goal before you succeeded?	DR. LOEB: Objection. Vague and ambiguous.
80 93:18-23	Would it generally be several months? Several years? Your whole career? You don't know a ballpark for where I should start looking in the notebooks?	DR. LOEB: Objection. Compound and vague and ambiguous.
81 94:3-13	Was purification of EPO from the mammalian cells something that was necessary before you could make a pharmaceutical composition -- DR. LOEB: Objection. Calls for -- MR. JAGOE: -- of EPO?	DR. LOEB: Sorry for cutting you off. Objection. Calls for expert testimony and calls for speculation.
82 94:19-23	And would it require any special level of purity?	DR. LOEB: Objection. Vague and ambiguous and calls for expert testimony.
83 95:2-8	Would the material have to be free of any defined other materials to be considered pure for the purposes of making a pharmaceutical composition?	DR. LOEB: Objection. Vague and ambiguous. Calls for expert testimony and calls for speculation.
84 95:10-15	I'll just narrow it. Based on your	DR. LOEB: Maintain my objections.

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		understanding, based on the work you were doing.	Calls for expert testimony and calls for speculation.
85	95:20-25	Amgen eventually created a pharmaceutical composition containing EPO purified from mammalian cells; correct?	DR. LOEB: Objection. Calls for a legal conclusion. Calls for expert testimony. Lacks foundation.
86	96:11-17	Now, how did you know that your EPO was pure enough to be used in a pharmaceutical composition?	DR. LOEB: Objection. Calls for expert testimony. Speculation. And the question is ambiguous. Vague.
87	96:23-97:1	And at some point, somebody said, Okay, it's pure enough; right?	DR. LOEB: Objection. Lacks foundation.
88	97:8-13	And at the time you started your project in this regard, the EPO from mammalian cells in culture was not pure enough; right?	DR. LOEB: Objection. Calls for expert testimony. Lacks foundation.
89	97:22-98:1	And it was your job to develop the protocols to make it pure enough for pharmaceutical composition; right?	DR. LOEB: Objection. Vague and ambiguous.
90	98:8-13	And isn't it true that, in fact, the method that you developed, you patented; correct?	DR. LOEB: Objection. That calls for speculation and a legal conclusion
91	98:18-24	And that's the method that Amgen used to purify the EPO that it used in its very first pharmaceutical composition containing EPO, right?	DR. LOEB: Objection. Vague and ambiguous and calls for a legal conclusion.
92	100:8-12	Okay. And what is GMP material?	A That's -- DR. LOEB: Objection. Lacks foundation.
93	100:21-101:2	And your work at Amgen led to the first GMP material containing EPO that Amgen created; correct?	My work -- DR. LOEB: Objection. Again, calls for expert testimony and calls for speculation.
94	102:23-103:3	What was Dr. Lin's role in purifying EPO to satisfy the requirements for GLP material?	DR. LOEB: Objection. Lacks foundation. Calls for speculation
95	103:8-14	So he said to you, "Dr. Strickland, go out and purify me some EPO from these mammalian cells," and then you went out and did	DR. LOEB: Objection. Mischaracterizes the testimony.

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		it?	
96	103:18-21	Would that be fair to say? Would that be the level of direction that he gave you?	DR. LOEB: Objection. Vague, ambiguous.
97	104:4-8	Do you remember that a subgroup called the MCEC team was formed at some point at Amgen?	DR. LOEB: Objection. Lacks foundation.
98	105:2-7	And in 1984 or 1985, wasn't Dr. Jeff Browne the head of the team that was trying to develop EPO for pharmaceutical uses?	DR. LOEB: Objection. Vague and ambiguous. Lacks foundation.
99	105:10-14	You testified that you knew that Dr. Lin was the -- was the program team leader; right?	DR. LOEB: Objection. Mischaracterizes the testimony.
100	106:13-20	And do you know whether that was before or after you had succeeded in purifying EPO from mammalian cells in culture, sufficient so that it could be used as a pharmaceutical composition?	DR. LOEB: Objection. Vague and ambiguous and calls for speculation. Calls for expert testimony.
101	107:7-12	I didn't listen to your answer. Vapnek, you said, "yes." Okay. Did you ever report to Dr. Vapnek during the '84-'85 time period?	DR. LOEB: Vague and ambiguous.
102	107:16-20	What was Dr. Vapnek's role on the EPO project during that time period?	DR. LOEB: Objection. Calls for speculation. Lacks foundation.
103	107:25-108:1	Was he above Dr. Jeff Browne?	DR. LOEB: Lacks foundation.
104	108:17-23	Now, do you recall that there were still formidable obstacles in making a pharmaceutical composition containing EPO, after 1984?	DR. LOEB: Objection. Vague and ambiguous. Calls for expert testimony
105	109:13-18	At the time you were working on purifying EPO from mammalian cell culture, and before the time you had succeeded, what were the problems you were trying to solve, if any?	DR. LOEB: Objection. Vague and ambiguous
106	110:2-7	Was one of the problems you were trying to solve is to free the desired material	DR. LOEB: Objection. Lacks foundation. Vague and

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107	110:13-17	from clipped EPOs? And how were you generating clipped EPO?	ambiguous. DR. LOEB: Objection. Calls for expert testimony. Calls for speculation.
108	111:4-10	Would it be sufficient just to run the cell-culture media on a reverse-phase HPLC to obtain material of sufficient purity to use in a pharmaceutical composition?	DR. LOEB: Objection. Lacks foundation. Calls for expert testimony.
109	111:13-17	Did you ever run culture media from mammalian cells expressing EPO, on reverse-phase HPLC and test its purity?	DR. LOEB: Objection. Compound. Vague and ambiguous.
110	111:20-25	And did you determine that it was pure enough to use as a pharmaceutical composition?	DR. LOEB: Objection. Lacks foundation. Calls for expert testimony. Vague and ambiguous.
111	112:12-15	And it passed that subset?	DR. LOEB: Objection. Calls for expert testimony. Speculation
112	112:19-24	But you never tested it to see if it would pass all the requirements necessary for use as a pharmaceutical; right?	DR. LOEB: Objection. Ambiguous and calls for expert testimony.
113	113:17-21	Was he considered to be your collaborator?	DR. LOEB: Objection. Ambiguous and vague. And calls for speculation.
114	114:22-115:2	And did there come a time when Amgen filed an IND on EPO that it made from CHO cells, C-h-o?	DR. LOEB: Objection. Calls for speculation. Lacks foundation.
115	115:6-9	And you had some involvement in the work that went into the IND; right?	DR. LOEB: Objection. Vague and ambiguous.
116	115:13-18	Is the purification method that's used in the GLP or GMP material, described in the IND?	DR. LOEB: Objection. Lacks foundation. Calls for speculation
117	115:24-116:2	Do you know what the formulation of that material was?	DR. LOEB: Objection. Vague.
118	116:11-15	You agree that a pharmaceutical composition will contain an active ingredient and certain inactive ingredients?	DR. LOEB: Objection. Compound.
119	117:6-9	Could you tell me what they are, or	DR. LOEB: Objection.

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120	118:16-19	what they were? And the HSA, that's a solid material in its pure state?	Compound. DR. LOEB: Objection. Vague and ambiguous.
121	118:23-119:3	Well, HSA, what does it look like if it's sitting in a vial on the table? A Well, it depends on what it looked like when you put it in the vial. And is there anything else?	DR. LOEB: Objection. Vague and ambiguous.
123	119:15-17		DR. LOEB: Objection. Vague and ambiguous.
124	120:14-20	And what kind of testing did you do to analyze the excipients in the first clinical batch made by Amgen?	DR. LOEB: Objection -- again, I'm sorry. Mischaracterizes the previous testimony.
125	121:7-11	Were you the -- the leader of the effort in that testing?	DR. LOEB: Objection. Vague and ambiguous. Calls for speculation.
126	121:18-21	Was Dr. Lin directing you on what to test, and how to test it, at this time, to come up with those excipients?	DR. LOEB: Objection
127	130:25-131:4	You executed this declaration for what purpose, Dr. Strickland?	DR. LOEB: Objection. Calls for a legal conclusion and speculation.
128	131:16-133:4	What is the purpose for you -- what was the purpose that you executed this declaration for?	DR. LOEB: Again, calls for a legal conclusion and speculation. And you should note that as we designated, Dr. Strickland is designated as a 30(b)(6) witness, specifically with respect to the topics noted in the letter, the experiments and declarations and U.S. prosecution or opposition proceedings performed or provided by Dr. Strickland. MR. JAGOE: You're not objecting that this question is outside the scope of what you're designating him for, are you? (Brief pause) DR. LOEB: Yes. In fact, I am objecting that it's