

APPENDIX A

Part 4 of 4

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

		to the Patent Office what is stated in the Amgen PLA -- DR. LOEB: Objection. MR. JAGOE: -- that you were just referring to?	Objection. Outside of the scope of the 30(b)(6) notice designation
336	273:16-274:4	And just focus on the last paragraph of this page, it says, "Although the structures of the carbohydrate moieties of rHuEPO and uHuEPO are the same," paren, "(the only qualitative difference is the apparent presence of a sialic acid linkage, other than the alpha two arrow three in U-human EPO)," close paren, the relative amounts of each population are different. <input type="checkbox"/>	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) notice and designation
337	276:14-20	Is that statement explained to the Patent Office in your declaration? Was the intention of Amgen to imply that the Amgen material was the same as the EPO produced by the Chugai method?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and designation and calls for speculation.
338	277:7-13	And at the time you signed the declaration, was it known to Amgen that Chugai was claiming their material was the same urinary human EPO?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topics and designation
339	279:17-22	Are the positions you followed to purify the material actually described in the Lin patent?	DR. LOEB: Objection. Outside of the 30(b)(6) notice and designation.
340	280:25-281:8	Could you tell us, if in example 10 of the Lin '933 patent there is a description of a method for purification of human erythropoietin from mammalian cells grown in culture?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) notice and designation. Calls for expert testimony.
341	282:11-17	And are all of the details that you put into your declaration disclosed in the Lin patent?	DR. LOEB: Objection. Outside of the -- no. I take that one back, but I do object as vague and ambiguous, lacks foundation.

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

342	285:4-8	Did you ask your preparers, your handlers, to find us a better copy of it?	DR. LOEB: I object to that as privileged and work-product, and I instruct you not to answer.
343	285:20-24	Looking at the copy that you have in front of you, are you able to interpret that, in any reasonable way?	DR. LOEB: Objection. Vague and ambiguous.
344	290:8-12	Is there any identifying label on any -- in this declaration where the sample, the actual sample, could be identified?	DR. LOEB: Objection. Vague and ambiguous
345	290:16-21	In looking at your declaration now, would you be able to identify the actual sample that you prepared and used in these analyses?	DR. LOEB: Objection. It's still vague and ambiguous with respect to actual sample.
346	291:2-9	Is it true that you or somebody under your direction attempted to purify CHO-cell-produced EPO based on your interpretation of what's in the Lin patent specification?	DR. LOEB: Objection. Mischaracterizes the witness's testimony.
347	294:14-21	Is that in the recombinant human EPO produced according to the Amgen method, the carbohydrates only have a two arrow three sialic acid linkage or linkages.	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic and our designation and vague and ambiguous.
348	295:2-7	And you're describing that as a difference between the Amgen method and EPO isolated from human urine; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic and our designation.
349	295:23-296:4	That characteristic of the Amgen-produced material is due to the fact that the CHO cells lack a certain enzyme; correct?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and our designation. Calls for expert testimony.
350	296:10-15	And is that enzyme absent in all mammalian cells that can be grown in culture?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic and our designation and also calls for expert testimony.
351	296:18-24	Q Is that enzyme absent in COS cells that are used to produce -- that were used to produce EPO at Amgen?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and designation and calls for expert testimony.
352	297:2-10	The difference that you're pointing	DR. LOEB: Objection.

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

	out in paragraph 10 is unique to CHO-cell-produced EPO, isn't it, as compared to recombinant EPO produced in any and all mammalian cells that can be grown in culture?	Outside the scope of the 30(b)(6) notice and designation. Calls for expert testimony and calls for speculation.
353 297:13-19	You didn't explain in your declaration to the Patent Office that the CHO cells that Amgen uses lack the enzyme that is required for the specific linkage?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic and designation and calls --
354 297:23-298:3	Nowhere in your declaration to the Patent Office, did you explain to the Patent Office that CHO cells lack a certain enzyme for linking sialic acids; correct?	DR. LOEB: Outside the scope of the 30(b)(6) topic and designation.
355 298:9-14	When did you come to the realization that the CHO cells that Amgen was using lacked that enzyme?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic and designation
356 298:18-24	Certainly, you knew it by 1989 when you filed your patent application for the different isoforms of erythropoietin; right?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and designation and assumes facts that are not in evidence.
357 299:14-20	So prior to the time that you signed your declaration, you and others at Amgen were in direct contact with Dr. Takeuchi; right?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic and designation and it calls for speculation.
358 300:2-7	So you don't tell the Patent Office about all the other data you're receiving from Dr. Takeuchi, in your declaration; right?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic and designation.
359 300:21-301:6	But at this time, you had -- you and Amgen knew that Dr. Takeuchi has already discounted that as a theory for why human urinary EPO was more negatively charged than CHO-cell-produced EPO, didn't you?	DR. LOEB: Objection. it's outside the scope of the 30(b)(6) topic and designation and also mischaracterizes the witness's prior testimony. And with respect to what other people at Amgen knew, it calls for speculation.
360 301:13-302:7	THE WITNESS: Could you ask me that question again? MR. JAGOE: Can you read it back? (Record read by the reporter as follows:)	DR. LOEB: And I object. It's outside the scope of the 30(b)(6) topic and designation; mischaracterizes the witness's prior testimony, and it calls for speculation with respect to

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

	<p>"QUESTION: But at this time, you had -- you and Amgen knew that Dr. Takeuchi has already discounted that as a theory for why human urinary EPO was more negatively charged than CHO-cell-produced EPO, didn't you?"</p>	<p>anything outside of Dr. Strickland's personal knowledge.</p>
<p>361 302:12-24</p>	<p>Didn't Takeuchi send you a memo saying, "Those negative charges were easily removed by the action of sialydase when more substrate and fresher enzyme were used; thus, sulfuric acids are not necessary to consider anymore"?</p>	<p>DR. LOEB: Objection. It's outside the scope of the 30(b)(6) topic and designation. And if you're reading from a document, the fair thing to do is put it in front of the witness, and I'd appreciate it if you did.</p>
<p>362 303:3-303:16</p>	<p>If you had recollection of that, would you have not made the statements that you made in your declaration?</p>	<p>DR. LOEB: Objection. It's outside the scope of the 30(b)(6) deposition topic and designation. It assumes facts that are not in evidence. It's calling for speculation. And it's argumentative. And again, I'd appreciate it, if you're quoting from the document, show it to the witness so he can see the context this alleged statement was made.</p>
<p>363 303:18-304:19</p>	<p>Is this statement unclear to you, Dr. Strickland? "In my previous report, there had been some sialydase-resisted negative charges which had me suspect to be sulfuric acid. Those negative charges were, however, easily removed by the action of sialydase in this report when more substrate and fresher enzyme were used. Thus, sulfuric acids are not necessary to consider anymore." Is that a clear statement?</p>	<p>DR. LOEB: Counsel, are you afraid of what the rest of the document says, that you refuse to show it to him so he understands what this is about? MR. JAGOE: I'm sure this is one of the documents you prepped him on. So can you -- DR. LOEB: How do you know what I prepped him on. And you're just being ridiculous now. if you're going to talk to him about</p>

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

			a statement that he doesn't seem to remember, you should show it to him. It's obviously complicated, scientific stuff, and you're just bushwhacking him with it, and that's not fair. Show him the document.
364	305:4-305:13	But you do know that you had additional information from Dr. Takeuchi that you withheld from the Patent Office, right?	A No, I don't know that. DR. LOEB: Okay. MR. JAGOE: I'll show you this. DR. LOEB: I object. It's outside the scope of the 30(b)(6) topic and designation. And it's argumentative.
365	306:1-306:6	So is this a memo that you wrote in the course of your job at Amgen in about March of 1987?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic.
366	306:10-306:17	And at about this time, were you in contact with Dr. Takeuchi regarding the carbohydrate structures of N-linked oligosaccharides attached to recombinant human EPO?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic and designation.
367	306:20-25	Q Look at the page that has Bates number AM-ITC 0067234. A (Complies). Q What is that on that page?	DR. LOEB: Outside the scope of the 30(b)(6) topic and designation.
368	307:2-7	Is the report from Dr. Takeuchi from May of 1986 on the carbohydrate structures of N-linked oligosaccharides attached to combinant [sic] human EPO?	DR. LOEB: Outside the scope of the 30(b)(6) topic.
369	307:24-308:5	Is this relevant to what you were telling the Patent Office about the negative charges on recombinant and human -- recombinant human and human EPO recovered from human urine?	DR. LOEB: Objection. It's outside the 30(b)(6) topic and it also calls for a legal conclusion.
370	308:21-309:5	But you agree that Amgen had additional information from Dr. Takeuchi on this subject that it did not disclose in your declaration to the Patent Office, right?	A When -- DR. LOEB: Objection. It's outside of the scope of the 30(b)(6) notice and our designation. And it's -- mischaracterizes the witness's

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

371	309:12-17	Why didn't you give all the information to the Patent Office and let them decide which was the right answer?	testimony. DR. LOEB: Objection. It's outside the topic. And it calls for speculation.
372	309:23-310:7	Q And who made the determination about what was the credible information to give the Patent Office -- DR. LOEB: Objection. It's outside -- BY MR. JAGOE: Q -- in your declaration?	DR. LOEB: My apologies, Counsel. It's outside the scope of the 30(b)(6) topic and calls for speculation.
373	310:10-21	Was Mr. Barron involved in the drafting of the declaration and the contents of your declaration?	DR. LOEB: Hang on a second. Dr. Strickland, I instruct you not to answer on the basis of attorney-client privilege, work-product -- just attorney-client privilege. MR. JAGOE: It's a "yes" or "no" question. DR. LOEB: And I've instructed the witness not to answer
374	312:11-15	MR. JAGOE: It's a copy of U.S. Patent 5,856,298. BY MR. JAGOE: Q And you're the sole inventor of this patent -- correct? -- Dr. Strickland?	DR. LOEB: Calls for a legal conclusion. Also outside the scope of the 30(b)(6) topic.
375	312:19-313:9	Q Do you have any doubt that you are the sole inventor of what's claimed in this patent? DR. LOEB: If you're asking to ask him a series of questions in his personal capacity, why don't you just say so now, and it'll make your record look a little cleaner. MR. JAGOE: I'm laying some foundation. I might have to look at the claims	DR. LOEB: Then, I object it's outside the scope of the 30(b)(6) topic. And just to be clear, that any question you ask him about this patent, I'm going to object that it's outside of the 30(b)(6) topic as Roche has defined it.
376	314:16-19	Do you have any doubt that you're the inventor of what's claimed in this patent?	DR. LOEB: Objection. Outside the 30(b)(6) topic.

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

377	315:2-7	Did you sign a declaration swearing that you believed to be the inventor of what's claimed in this application?	DR. LOEB: Objection. Outside the 30(b)(6) topic.
378	315:9-20	MR. JAGOE: I'd like you to look at column 7 of your patent, line 50. It says, "The dihydrofolate reductase, (DHFR), deficient Chinese hamster ovary (CHO) cells are commonly-used host cell for the production of recombinant glycoproteins, including recombinant erythropoietin"; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic -- of any 30(b)(6) topic for which Dr. Strickland has been designated.
379	316:10-13	Q And there's a reference to another paper by Takeuchi from 1987; right?	DR. LOEB: Objection. Still outside the 30(b)(6) topic.
380	316:17-22	And that information in those references were not disclosed to the Patent Office in your 1988 declaration; right?	DR. LOEB: Objection. It's outside of the scope of the 30(b)(6) topic as defined by Roche.
381	317:16-20	Then I quoted, "recombinant erythropoietin-produced CHO cells lacks sialic acid in the 2-6 linkage to galactose; right?"	DR. LOEB: Outside the scope of the 30(b)(6) topic.
382	317:23-318:5	So in your patent, you're saying that it's the fact that the CHO cells that you -- that Amgen uses to produce recombinant EPO is the cause of this specific linkage being absent in the material produced in those cells; right?	DR. LOEB: Objection. Outside of the 30(b)(6) topic. And vague and ambiguous.
383	318:10-15	And that was a point you were making about the material that's produced from those cells; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic.
384	318:19-25	You were telling the Patent Office in your declaration that the material produced by the Amgen method with the Amgen cells lacks a certain linkage; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic.
385	319:4-9	And you don't know if that would be true in all mammalian cells; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic and it calls for expert testimony and speculation.
386	320:3-8	The Miyaki procedure published in JBC in 1977, cited in paragraph 7 of your	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic.

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

	declaration.	topic.
387	322:7-13 And why did you follow the procedure you followed rather than the Miyaki procedure -- the published procedure?	A Well -- DR. LOEB: Objection. It's outside the scope of the 30(b)(6) topic, and it calls for speculation.
388	324:17-20 Have you analyzed any EPO isolated from human urine, in the last five years?	DR. LOEB: Outside the scope of the 30(b)(6) topic.
389	325:17-23 So your first choice was to use lot 82, and then you ran out of that, so you did the next experiment with this material from Dr. Goldwasser?	DR. LOEB: Objection. Mischaracterizes the witness's testimony.
390	326:9-12 Did you do any gels to compare the lot 82 to this Goldwasser material?	DR. LOEB: Objection. Vague and ambiguous
391	326:15-19 If you had done them, would they be in the same notebook as the gel for -- that's disclosed in page 14?	DR. LOEB: Objection. Calls for speculation.
392	332:6-11 Q Are you aware that Dr. Goldwasser ran a clinical trial with EPO isolated from human urine?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) notice and designation.
393	332:17-333:2 Did you hear it from anybody in Dr. Goldwasser's lab? A Not that I recall. Q Who do you recall hearing it from? A I don't recall who I heard it from.	DR. LOEB: I was just going to say that the last couple questions are all outside of the -- just the very last question was outside of the 30(b)(6) topic.
394	334:5-19 When was the last time you had any type of communication or contact with Dr. Goldwasser?	DR. LOEB: To the extent that is a communication or contact pertaining to his duties at Amgen, then it's appropriate under the 30(b)(6) topic. If he had any communications with him in other -- in other capacities, then he'd be testifying as an individual. I should also note that the deposition topic, as it's stated, limits the 30(b)(6) topic to before 1996. So anything after 1996 would be outside the scope of the 30(b)(6) deposition.
395	335:14-21 And what did Dr. -- what was the	DR. LOEB: Well, objection.

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

	content of your communications with Dr. Goldwasser in -- at that time? That last meeting?	Misstates the witness's testimony. THE WITNESS: Did you say at that meeting at the end --
396	336:3-7 And why were you comparing the trypsin digestion rates of EPO?	DR. LOEB: That's outside of the 30(b)(6) topic. He can answer in his personal capacity.
397	337:20-338:1 But you didn't receive it directly from Dr. Goldwasser; somebody else told you that it was received from Dr. Goldwasser; right?	DR. LOEB: Objection. Mischaracterizes the witness's testimony.
398	340:17-20 In some of your notebooks, other people have made entries; right?	DR. LOEB: Outside of the 30(b)(6) topic.
399	342:1-3 Q Do you know where that piece of tape was before it was pasted into your notebook?	DR. LOEB: Objection. Vague and ambiguous.
400	346:7-13 Q And where -- do you know the whereabouts -- do you know where T. Arakawa is now? A Not definitely -- not definitively. Q Where do you think this person is?	DR. LOEB: Objection. Calls for speculation.
401	346:17-19 Do you know the name of that company?	DR. LOEB: Objection. Calls for speculation.
402	349:25-350:12 Do you have any information in your laboratory notebooks about whether or not the material from the red-labeled vial is in vivo, biologically active? A I -- I believe there's data. Q And where is that data?	DR. LOEB: I'm going to object to this line of testimony as outside the -- any of the 30(b)(6) deposition topics. Not talking about communications or relationships with Dr. Goldwasser; you're talking about experiments that Dr. Strickland has conducted.
403	351:1-4 And Peter Duker sent them to you?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) deposition topics.
404	351:17-21 And does it indicate that the EPO beta is in vivo active?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) testimony -- topics.
405	352:10-14 So that's a -- that means, it was -- that means it was in vivo active?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic.

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

406	352:18-23	Is the same true for the alpha urinary EPO that's reported on the page 84? A Yes.	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic.
407	352:25-353:4	Now, what is the significance of the ratio between the RIA and the in vivo activity?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topic. And it calls for expert testimony.
408	353:25-354:7	Now, the in vivo assay, that measures the ability to -- bone marrow cells to create reticulocytes and red blood cells; is that correct?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and calls for expert testimony. And asked and answered.
409	354:15-20	And then they're treated with exogenous EPO and their red blood cells and reticulocytes go up?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) deposition and calls for expert testimony.
410	355:4-355:9	Is that a -- is the incorporation of the iron an indication of increased red blood cells?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topics and calls for expert testimony.
411	355:14-18	Is this the assay that was published by Cotes, C-o-t-e-s?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) topics.
412	355:24-356:5	Do you have any information in your laboratory notebook about these samples that would tell whether or not the material would be therapeutically effective in a human?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice and may call for expert testimony.
413	362:19-25	Is there -- so you have no firsthand knowledge that the material was actually purified by Dr. Goldwassers and Miyaki -- right? -- in 1976?	DR. LOEB: Objection. Assumes facts not in evidence. Calls for speculation.
414	363:19-25	Now, in this expert report, you were offering an opinion on behalf of Amgen that a person could repeat the purification procedure described in the Miyaki 1977 reference; right? And you wanted the court to rely on that opinion in making the decisions in that case?	DR. LOEB: Objection. Outside the scope of the 30(b)(6) notice.
415	364:10-15	You wanted somebody to believe your opinion; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topic.
416	364:19-23		DR. LOEB: Objection. Outside of the scope of the 30(b)(6) notice.

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

417	365:2-6	Q Can you restate your opinion that you think is correct?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topics.
418	365:23-366:3	And the contaminants are removed by the actions of the scientists doing the procedure; right?	DR. LOEB: Objection. Outside of the scope of the 30(b)(6) topics and calls for expert testimony.
419	366:15-367:3	And you offered the opinion that the purified material from the Miyaki procedure would be active in an in vivo bioassay; right? DR. LOEB: Objection. Outside of the -- I'm sorry. 'M I bad. THE WITNESS: Could you show me --	DR. LOEB: I also object as to calling for expert testimony. Simply because he was an expert in this case does not make him -- sorry, an expert in TKT does not make him an expert for purposes of this deposition.
		BY MR. JAGOE: Q Paragraph 5.	
420	367:13-18	The material purified following the Miyaki method would be in vivo biologically active?	A Well, yes -- DR. LOEB: Objection. Calls for expert testimony.
421	371:8-14	Now, the material from the purification, the HA FR 213950-9 material, that has the same amino acid sequence as the CHO-cell-produced EPO; right?	DR. LOEB: Objection. Assumes facts not in evidence. And it calls for expert testimony.
422	371:20-372:2	The material in the HA FR, Roman II, 13950-9 fraction has the same polypeptide sequence as human EPO produced by a CHO cell having the human erythropoietin gene in it; correct?	DR. LOEB: Objection. Assumes facts not in evidence. Calls for expert testimony. Calls for speculation.
423	372:6-9	But that's your expectation; right?	DR. LOEB: Objection. Calls for expert testimony. Assumes facts not in evidence. Calls for speculation.
424	372:14-19	Q And it would have glycosylation on the same amino acids that CHO-cell-produced EPO -- human EPO -- would have; right?	DR. LOEB: Objection. Calls for expert testimony, calls for speculation. Assumes facts not in evidence.
425	373:2-5	Q Were you involved in the prosecution of this patent at all?	DR. LOEB: Objection. Vague and ambiguous as to "involved."
426	374:8-14	Q Well, to get a -- to get a -- to get a specific activity for material, do you have	DR. LOEB: Objection. Calls for expert testimony. And it

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

		to -- do you have to correlate it to some type of standard?	lacks foundation.
427	374:24-375:16	Q So it says that, "The specific activities are used only to compare relative activities of isoforms that have been assayed using the same assay, using the same conditions, including the same internal standards, the same type of animals, having the same analysis of the data used to calculate specific activity, the same assay for determining protein content, not intended that any in vivo specific activity value reported for any isoform represents an inherent or absolute value for that isoform." Is that because you weren't correlating the in vivo activities to an international standard?	DR. LOEB: Objection. Lacks foundation. Calls for expert testimony.
428	375:23-376:5	Q So do you recall a concern at Amgen where the management was asking people to make sure they were only reporting data as internal Amgen units and not international units for in vivo activity?	DR. LOEB: Objection. Calls for speculation. Assumes facts not in evidence.