EXHIBIT 6

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
Plaintiff,)
)
vs.) Civil Action
)
F. HOFFMANN-LA ROCHE LTD., a Swiss) No. 05-12237 WGY
Company, ROCHE DIAGNOSTICS GmbH,)
a German Company, and HOFFMANN-LA)
ROCHE, INC., a New Jersey)
Corporation)
)
Defendants.)
_____)

DEPOSITION OF STEVEN G. ELLIOTT, Ph.D.
Thursday, March 29, 2007

- CONFIDENTIAL -

REPORTED BY:
JUDY SAMSON
CSR NO. 6916

A Yes.

Q How does Aranesp differ from Epogen?

MR. DAY: Objection; vague and ambiguous.

THE WITNESS: So let's get into some more precise things. This is what I was going to say.

When you say "differ," there's a number of ways we could look at this.

What specific way do you want to talk about?

BY MR. JAGOE:

Q Let's start with the active ingredients of Aranesp and Epogen. And based on structure, what are the differences between those two substances?

A So if we say active ingredient, let's start with the polypeptide.

So the polypeptide sequence of Aranesp versus Epogen is the same length, but there are five amino acid differences in Epogen compared to Aranesp.

Q Are you able to tell me what those five differences are?

A Sure.

There are changes at position 30 and 32 where the amino acids that are present in Aranesp are asparagine and threonine. And at positions 87,

88, and 90, the amino acids in Aranesp are valine at 87, asparagine at 88 and threonine at position 90.

Q What are the amino acid in the active ingredient of Epogen at those positions?

A It's been a while. I could guess, but I don't -- you know, I might get it wrong.

Q But it's something other than those --

A Yes.

Q -- that you just named for Aranesp?

A Right.

Q You said that they have the same length. What did you mean by that?

A So in the product, the polypeptide is 165 amino acids, and both molecules are 165 amino acids in length.

Q And are there any other structural differences between those two substances?

A Beyond the polypeptide sequence, which is different, there is additional carbohydrate on Aranesp.

Q What do you mean by "additional carbohydrate"?

A Epogen has three N-linked carbohydrate chains attached and one O-link carbohydrate. Aranesp has the same O-linked carbohydrates

and N-linked carbohydrates, but there are two additional ones at positions 30 and 88 on Aranesp.

Q And those are N-linked carbohydrates?

A Yes. Yes, they are.

Q Are there any other structural differences between the active ingredient of Epogen and the active ingredient of Aranesp?

A So you mean in the big picture, are there other major differences in, for example, carbohydrate.

Is that what you're asking? Or, I mean, any two entities are three-dimensional structures. And there can be, you know, relatively minor -- that's sort of a vague term as well.

But there are structural differences that can be conferred upon it.

So there's the global three-dimensional structural.

There's the overall fold at, you know, a global level might look similar, but when you get into the real micro detail, there might be some subtle differences that are found in all molecules.

And then even within this preparation, it's a mixture of molecules.

And so when you ask this question, we're

accurate with your answers at that time?

A Always.

Q Okay. I'm going to show you a copy of the transcript.

I'm going to mark it as Elliott Exhibit 1.

(Defendants' Exhibit 1 was marked for identification by the deposition reporter and is attached hereto.)

BY MR. JAGOE:

Q This Elliott Exhibit 1 has a Bates number on it AM-ITC, 00816981 through 7068.

Do you see that there are four transcript pages on each page of the exhibit?

A I see that.

Q And there are small numbers in the lower right-hand corner of each of the four panels?

A Yes, I see that.

Q The first one would have 3329?

A Yes.

Q And then 33 --

A I see that.

Q So I'd like you to look at 3338.

And at line 4 you were asked to describe what some of the goals you were interested in at the beginning were.

Do you see that?

A No.

So -- hold on. 3338.

Q It goes from top left to top right?

A I see. Okay. Yes.

Q And what was your answer there?

MR. DAY: Objection; document speaks for itself.

Do you want him to read the whole answer to you?

BY MR. JAGOE:

Q Yes, I'd like that.

A Do you want me to read the statement here?

Q Yeah, what you said when Amgen's lawyers asked you what your goals were at the beginning of the project?

A Starts:

"Can you briefly describe some of the goals that were -- that you were interested in at the beginning?

"Well, sure. There were lots of things.

"We started with this program without really knowing what we wanted to do. You know, our research

director, you know, pretty much made it understood that we wanted to do something useful and that we should ultimately see if we could get to something useful. We're a biotechnology company, after all, and not a university.

"It was apparent with this program that there wasn't a clear direction or we didn't really know what we wanted to do.

"What we instituted instead was a basic research program whereby we would try to probe the structure of EPO, figure out how it works."

MR. DAY: He wants you to read the whole thing.

THE WITNESS: "It's a lengthy, a long stretch of amino acids. We didn't know what any of them do, what the role of any of them was, how the protein folded.

"And so we felt that rather than just randomly trying to guess, you know, or use nature to do random

mutagenesis and then try to see if something appeared, instead, we would do a more planned, if we can even use that word because it wasn't really -- we didn't know where we were going, but try to figure out how EPO worked, what the structure and function was and then generate this knowledge base from which we could do something useful.

"And by something useful, I was thinking of things like maybe a more active analog, maybe some way that EPO could be used more effectively in the clinic.

"You know, we were, of course, expecting that this would be approved. It hadn't been at the time.

"Maybe help it get to the development stage where it would be approved. Maybe this information about structure and function of this molecule could be applied to another one, and that, you know, maybe I would be working on a different protein in a year or two.

"Maybe there would be some new product opportunities that would come out of this specifically relating to EPO or something else."

BY MR. JAGOE:

Q Okay. And when you gave that testimony, you were trying to be giving an accurate and full answer to the question?

A I'd have to look at this in a little bit more context, but I would always try to answer a question that was asked at the time.

I didn't always do the best job, but I tried to do the best I could.

Q Okay.

A So this was trying to answer the question that was asked back in whatever date this was.

Q So I'm trying to ask the same question now here today to you.

Was one of your goals in 1985 when you started the EPO analog project to come up with something useful that could be used in the clinic?

A To come up with something useful, yes.

I think that's an objective of research in general.

Q And at a biotech company?