

EXHIBIT 28




1 of 2

1812 #36
 MB
 05/06/94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
 LIN, Fu-Kuen
 Serial No.: 08/202,874
 Filed: February 28, 1994
 For: "PRODUCTION OF ERYTHROPOIETIN"
 Group Art Unit: 1812

) I hereby certify that this
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) Washington, D.C., 20231, on
) this date:
) April 8, 1994
)
) 
) Michael F. Borun
) (Reg. No. 25,447)
) Attorney for Applicant

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97 ET SEQ. INCLUDING FORM PTO-1449

Hon. Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Sir:

In compliance with 37 C.F.R. §1.97 et seq., Applicant hereby files with this statement a Patent and Trademark Office Form PTO-1449. A copy of each document, except C217 and C259, is submitted herewith. Please note that due the large number of references cited, two boxes containing these references are submitted.

Applicant has also provided a "Source Code" on the Form PTO-1449, which details from where the reference was found:

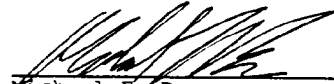
<u>CODE</u>	<u>SOURCE</u>
A	References of record in the parent applications of U.S. Pat. Appln. No. 07/113,178.
B	References of record in U.S. Pat. Appln. No. 07/113,179.
C	References of record in U.S. Pat. Appln. 07/113,178, which were not previously cited on form PTO-892.

- D Defendants' 35 U.S.C. §282 Notice from the Amgen Inc. v. Chugai and G.I., C.A. No. 87-2617-Y, District Court proceedings in Boston, MA regarding parent U.S. Patent No. 4,703,008
- E Exhibits admitted in the Amgen Inc. v. Chugai and G.I. District Court proceedings.
- F References of record in the European Opposition Proceedings regarding European Patent EPO 148605

Please note that Reference C228 does not have a Source Code. Although Reference C228 was listed on Defendants' Exhibit list for the Amgen Inc. v. Chugai and G.I. District Court proceedings, it was not admitted as a trial exhibit.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN



Michael F. Borun
(Registration No. 25,447)
A Member of the Firm
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

Chicago, Illinois

April 8, 1994

Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty Docket No 11009/D31956	Serial No 08/202,874
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Fu-Kuen Lin	
		Filing Date February 28, 1994	Group 1812



U.S. PATENT DOCUMENTS								
*Examiner Initials		Document #	Issue Date	Name	Class	Subclass	Source	Filing Date
	A1	3,033,753	5/8/62	White et al.	530**	395**	A.F	
	A2	4,237,224	12/2/80	Cohen et al.	435	69.1**	A.D	
	A3	4,254,095	3/3/81	Fisher et al.	424	88**	F	
	A4	4,264,731	4/28/81	Shine	435	91.41**	A	
	A5	4,273,875	6/16/81	Manis	435	253.5**	A	
	A6	4,293,652	10/6/81	Cohen	435	172.3**	A	
	A7	4,338,397	7/6/82	Gilbert et al.	435	69.1**	A	
	A8	4,358,535	11/9/82	Falkow et al.	435	5	A	
	A9	4,394,443	7/19/83	Weissman et al.	435	6	A	
	A10	4,399,216	8/16/83	Axel et al.	435	6	A.D	
	A11	4,411,994	10/25/83	Gilbert et al.	435	69.7**	A	
	A12	4,442,205	4/10/84	Hamer et al.	435	69.1**	A	
	A13	4,465,624	8/14/84	Chiba et al.	530**	395**	A.F	
	A14	4,468,464	8/28/84	Cohen et al.	435	320.1**	A	
	A15	4,503,151	3/5/85	Paddock	435	69.1**	A	
	A16	4,695,542	9/22/87	Yokata et al.	435	68	B	
	A17	4,710,473	12/1/87	Morris	435	320.1**	A	
	A18	4,757,006	10/28/83	Toole et al.	435	69.6**	D.E	

** As re-classified from original.

EXAMINER <i>[Signature]</i>	DATE CONSIDERED <i>8/8/84</i>
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FOREIGN PATENT DOCUMENTS

*Examiner Initials	Document #	Publication Date	Country	Source	Class/ Subclass	Translation	
						Yes	No
	B1	0070685	1/26/83	EPO	A		
	B2	0070687	1/26/83	EPO	A		
	B3	0077670	4/27/83	EPO	A		
	B4	0093619	11/9/83	EPO	A,B,D		
	B5	0116446	8/22/84	EPO	A,F		
	B6	0117058	8/29/84	EPO	A		
	B7	0117059	8/29/84	EPO	A,B		
	B8	0117060	8/29/84	EPO	A,B		
	B9	0123294	10/31/84	EPO	A		
	B10	0136490	4/10/85	EPO	A		
	B11	2085887	5/6/82	U.K.	A,F		
	B12	83/04053	11/24/83	PCT	A		
	B13	85/01961	5/9/85	PCT	A		
	B14	85/03079	7/18/85	PCT	A,D		
	B15	85/04419	10/10/85	PCT	A		
	B16	86/03520	6/19/86	PCT	A		

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.) [SOURCE]

C1	Abraham et al., "Nucleotide Sequence of a Bovine Clone Encoding the Angiogenic Protein, Basic Fibroblast Growth Factor," <i>Science</i> , 233, 545-548 (August 1, 1986) [F]
C2	Adamson, "The Polycythemias: Diagnosis and Treatment," <i>Hosp. Practice</i> , 18(12), 49-57 (December 1983) [A]
C3	Aebi, "Sequence Requirements for Splicing of Higher Eukaryotic Nuclear Pre-mRNA," <i>Cell</i> , 47, 555-565 (Nov. 21, 1986) [F]
C4	Agarwal et al., "A General Method for Detection and Characterization of an mRNA using an Oligonucleotide Probe," <i>J. Biol. Chem.</i> , 256, 1023-1028 (Jan. 25, 1981) [F]

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C4	Agarwal et al., "A General Method for Detection and Characterization of an mRNA using an Oligonucleotide Probe." <i>J. Biol. Chem.</i> , 256, 1023-1028 (Jan. 25, 1981) [F]
C5	Anderson et al., "Isolation of a genomic clone for bovine pancreatic trypsin inhibitor by using a unique-sequence synthetic DNA probe," <i>P.N.A.S. (USA)</i> , 80, 6838-6842 (November 1983) [A.F]
C6	Baciu et al., "Erythropoietin Interaction with the Mature Red Cell Membrane." <i>N.Y. Acad. Sci.</i> , 414, 66-72 (1983) [A]
C7	Baron et al., "Antibodies against the Chemically Synthesized Genome-Linked Protein of Poliovirus React with Native Virus-Specific Proteins," <i>Cell</i> , 28, 395-404 (February 1982) [A]
C8	Beaucage et al., "Deoxynucleoside Phosphoramidites-A new Class of Key Intermediates for Deoxypolynucleotide Synthesis," <i>Tetrahedron Letters</i> , 22(20), 1859-1862 (1981) [A.F]
C9	Benedum et al., "The primary structure of bovine chromogranin A: a representative of a class of acidic secretory proteins common to a variety of peptidergic cells." <i>EMBO J.</i> 5(7), 1495-1502 (1986) [F]
C10	Bennetzen et al., "Codon Selections in Yeast," <i>J. Biol. Chem.</i> , 257(6), 3026-3031 (March 25, 1982) [A]
C11	Bentley et al., "Human immunoglobulin variable region genes-DNA sequences of two V _k genes and a pseudogene," <i>Nature</i> , 288, 730-733 (December 1980) [F]
C12	Benton et al., "Screening λ gt Recombinant Clones by Hybridization to single Plaques in situ," <i>Science</i> , 196, 180-182 (April 8, 1977) [F]
C13	Berzofsky et al., "Topographic Antigenic Determinants Recognized by Monoclonal Antibodies to Sperm Whale Myoglobin," <i>J. Biol. Chem.</i> 257(6), 3189-3198 (March 25, 1982) [F]
C14	Berzofsky et al., "Properties of Monoclonal Antibodies Specific for Determinants of a Protein Antigen, Myoglobin," <i>J. Biol. Chem.</i> 255(23), 11188-11191 (Dec. 10, 1980) [F]
C15	Betsholtz et al., "cDNA sequence and chromosomal localization of human platelet-derived growth factor A-chain and its expression in tumour cell lines," <i>Nature</i> 320, 695-699 (April 24, 1986) [F]
C16	Billat et al., "In Vitro and In Vivo Regulation of Hepatic Erythropoiesis by Erythropoietin and Glucocorticoids in the Rat Fetus," <i>Exp. Hematol.</i> , 10(1), 133-140 (1982) [A]
C17	Blattner et al., "Charon Phages: Safer Derivatives of Bacteriophage Lambda for DNA Cloning," <i>Science</i> , 196, 161-169 (April 8, 1977) [A.F]

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INFORMATION DISCLOSURE STATEMENT



Use several sheets if necessary

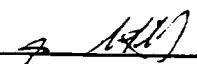
C18	Boş et al., "Eukaryotic Expression of Cloned cDNA Coding for Influenza Viral Glycoproteins Using an SV40 Vector: Use of Recombinant DNA Mutants to Study Structure-Function Relationships ¹ ," <i>Proc. Symp. Mol. Biol. Negat., Strand Viruses Meeting</i> , pages 125-130. Compans et al., eds., Acad. Press (1984) [B]
C19	Bray et al., "Human cDNA clones for four species of G α -signal transduction protein," <i>P.N.A.S. (USA)</i> , 83, 8893-8897 (December 1986) [F]
C20	Breslow et al., "Isolation and characterization of cDNA clones for human apolipoprotein A-I," <i>P.N.A.S. (USA)</i> , 79, 6861-6865 (November 1982) [A.D.E.F]
C21	Broome et al., "Immunological screening method to detect specific translation products," <i>P.N.A.S. (USA)</i> , 75(6), 2746-2749 (June 1978) [A]
C22	Canaani et al., "Regulated expression of human interferon β 1 gene after transduction into cultured mouse and rabbit cells," <i>P.N.A.S. (USA)</i> , 79, 5166-5170 (Sept. 1982) [D]
C23	Chan et al., "Construction and selection of recombinant plasmids containing full-length complementary DNAs corresponding to rat insulins I and II," <i>P.N.A.S. (USA)</i> , 76(10), 5036-5040 (October 1979) [F]
C24	Chia et al., "The construction of cosmid libraries of eukaryotic DNA using the Homer series of vectors," <i>Nucleic Acids Res.</i> 10(8), 2503-2520 (1982) [F]
C25	Chirgwin et al., "Isolation of Biologically Active Ribonucleic Acid from Sources Enriched in Ribonuclease," <i>Biochemistry</i> , 18(24), 5294-5299 (1979) [A.F]
C26	Chisholm, "On the Trail of the Magic Bullet: Monoclonal antibodies promise perfectly targeted chemicals," <i>High Technology</i> , Vol. 2(1), 57-63 (Jan. 1983) [A]
C27	Chomczynski et al., "Alkaline Transfer of DNA to Plastic Membrane," <i>Biochem. Biophys. Res. Commun.</i> , 122(1), 340-44 (1984) [A]
C28	Choo et al., "Molecular cloning of the gene for human anti-haemophilic factor IX," <i>Nature</i> , 299, 178-180 (Sept. 9, 1982) [A.F]
C29	Choppin et al., "Characterization of Erythropoietin Produced by IW32 Murine Erythroleukemia Cells," <i>Blood</i> , 64(2), 341-347 (August 1984) [A,F]
C30	Chou et al., "Prediction of Protein Conformation," <i>Biochem.</i> , 13(2), 222-245 (1974) [A]
C31	Chou et al., "Prediction of the Secondary Structure of Proteins from their Amino Acid Sequence," <i>Advances in Enzymology</i> , 47, 45-47 (1978) [A]
C32	Chou et al., "Empirical Predictions of Protein Conformation," <i>Ann. Rev. Biochem.</i> , 47, 251-77 (1978) [A]
C33	Christman et al., "Amplification of expression of hepatitis B surface antigen in 3T3 cells cotransfected with a dominant-acting gene and cloned viral DNA," <i>P.N.A.S. (USA)</i> , 79, 1815-1819 (March 1982) [F]

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C34	Claus-Walker et al., "Spinal Cord Injury and Serum Erythropoietin," <i>Arch. Phys. Med. Rehabil.</i> , 65, 370-374 (July 1984) [A]
C35	Colby et al., "Immunological Differentiation Between <i>E. coli</i> and CHO Cell-Derived Recombinant and Natural Human β -Interferons ¹ ," <i>J. Immunol.</i> , 133(6), 3091-3095 (1984) [B]
C36	Collen et al., "Biological Properties of Human Tissue-Type Plasminogen Activator Obtained by Expression of Recombinant DNA," <i>J. of Pharmacology and Exp. Therapeutics</i> ; 231(1), 146-152 (1984) [B]
C37	Colman, "Cells that secrete foreign proteins," <i>TIBS</i> , 435-437 (December 1982) [D]
C38	Comb et al., "Primary structure of the human Met- and Leu-enkephalin precursor and its mRNA," <i>Nature</i> , 295, 663-666 (February 25, 1982) [F]
C39	Congote et al., "The Erythropoietins, New Erythroid Cell Stimulating Factors Extracted From Human and Bovine Fetal Tissues," Abstract 364, Proceedings 7th International Congress of Endocrinology (Quebec City, Quebec, July 1-7, 1984) [A]
C40	Congote, "Extraction from Fetal Bovine Serum of Erythropoietin, an Erythroid Cell-Stimulating Factor," <i>Anal. Biochem.</i> , 140, 428-433 (1984) [A]
C41	Congote, "Regulation of Fetal Liver Erythropoiesis," <i>J. of Steroid Biochemistry</i> , 3, 423-428 (1977) [F]
C42	Congote, "Isolation of Two Biologically Active Peptides, Erythropoietin I and Erythropoietin II from Fetal Calf Intestine," <i>Biochem. Biophys. Res. Comm.</i> , 115(2), 477-483 (September 15, 1983) [A]
C43	Contrera et al., "Extraction of erythropoietin from Kidneys of Hypoxic and Phenylhydrazine-treated rats." <i>Blood</i> , 25(5), 809-816 (May 1965) [D,F]
C44	Costantini et al., "Introduction of a Rabbit Betaglobin Gene into the Mouse Germ Line," <i>Nature</i> , 294, 92-94 (November 5, 1982) [D]
C45	Costantini et al., "Gene Transfer into the Mouse Germ-Line," <i>J. Cell Physiol. Supp.</i> 1, 219-226 (1982) [D]
C46	Cotes et al., "Changes in serum immunoreactive erythropoietin during the menstrual cycle and normal pregnancy," <i>Brit. J. Obstet. Gynecol.</i> , 90, 304-311 (April 1983) [A]
C47	Cotes et al., "Bio-Assay of Erythropoietin in Mice made Polycythaemic by Exposure to Air at a Reduced Pressure," <i>Nature</i> , 191, 1065-1067 (Sept. 9, 1961) [A]
C48	Dainiak et al., "Mechanisms of Abnormal Erythropoiesis in Malignancy," <i>Cancer</i> , 51(6), 1101-1106 (1983) [A]

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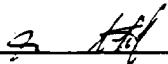
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	Applicant Fu-Kuen Lin		Filing Date February 28, 1994
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C49	Das et al., "Use of synthetic oligonucleotide probes complementary to genes for human HLA-DR α and β as extension primers for the isolation of 5'-specific genomic clones." <i>P.N.A.S. (USA)</i> , 80, 1531-1535 (March 1983) [A]
C50	Davis et al., "A Manual for Genetic Engineering, Advanced Bacterial Genetics". Cold Spring Harbor Laboratory, Cold Spring Harbor, NY (1983), pp. 55-58 & 174-176 [A]
C51	Davis et al., "Active Influenza Virus Neuraminidase is Expressed in Monkey Cells from cDNA Cloned in Simian Virus 40 Vectors." <i>Proc. Nat'l. Acad. Sci. (USA)</i> , 80, 3976-3980 (1983) [B]
C52	Derynck et al., "Human transforming growth factor- β complementary DNA sequence and expression in normal and transformed cells," <i>Nature</i> , 316, 701-705 (August 22, 1985) [F]
C53	Derynck et al., "Human Transforming Growth Factor- α : Precursor Structure and Expression in <i>E. coli</i> ," <i>Cell</i> , 38, 287-297 (August 1984) [F]
C54	Dessypris et al., "Effect of pure erythropoietin on DNA-synthesis by human marrow day 15 erythroid burst forming units in short-term liquid culture," <i>Brit. J. Haematol.</i> , 56, 295-306 (1984) [A]
C55	Devos et al., "Purification of Recombinant Glycosylated Human Gamma Interferon Expressed in Transformed Chinese Hamster Ovary Cells," <i>J. Interferon Research</i> , 4, 461-468 (1984) [B]
C56	Docherty et al., "Sequence of human tissue inhibitor of metalloproteinases and its identity to erythroid-potentiating activity," <i>Nature</i> , 318, 66-69 (Nov. 7, 1985) [F]
C57	Dreesman et al., "Antibody to hepatitis B surface antigen after a single inoculation of uncoupled synthetic HBsAg peptides," <i>Nature</i> , 295, 158-160 (Jan. 14, 1982) [A]
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C59	Dunn, "Current Concepts in Erythropoiesis," John Wiley & Sons, Chichester, England, 1983 [A]
C60	Dunn et al., "Use of a computer model in the understanding of erythropoietic control mechanisms," <i>Chemical Abstracts</i> , 91, 190417r (1979) [A]
C61	Dunn et al., "Serum erythropoietin titers during prolonged bedrest; relevance to the 'anaemia' of space flight," <i>Eur. J. Appl. Physiol.</i> , 52, 178-182 (1984) [A]
C62	Edman et al., "A Protein Sequentator," <i>Eur. J. Biochem.</i> 1, 80-91 (1967) [F]
C63	Emmanouel et al., "Metabolism of pure human erythropoietin in the rat," <i>Am. J. Physiol.</i> , 247 (1 Pt 2), F168-76 (1984) [A]

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C64	Eschbach et al., "Correction by Erythropoietin (EPO) Therapy of the Anemia of Chronic Renal Failure (CRP) in Sheep," <i>Clin. Res.</i> 29(2), 518A (1981) [F]
C65	Eschbach et al., "The Anemia of Chronic Renal Failure in Sheep," <i>J. Clin. Invest.</i> 74(2), 434-441 (August 1984) [A]
C66	Espada et al., "Purification of Human Urinary Erythropoietin," <i>Fed. Proc.</i> 41, 1159 (1982) [F]
C67	Fan et al., "Construction and Characterization of Moloney Murine Leukemia Virus Mutants Unable to Synthesize Glycosylated Gag Polyprotein", <i>Proc. Nat'l. Acad. Sci. (USA)</i> , 80, 5965-5969 (1983) [B]
C68	Farber et al., "Translation of mRNA from Human Kidneys into Biologically Active Erythropoietin Following Microinjection into Xenopus Laevis Oocytes," <i>Blood</i> , 62(5), Supp. No. 1, Abstract 392, 122a (1983) [A,F]
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C70	Farber et al., "Translation of mRNA from human kidneys into biologically active erythropoietin following microinjection into xenopus laevis oocytes," <i>J. Lab. Clin. Med.</i> , 102, 681 abstract [D]
C71	Farber, "Translation of RNA from Human Kidneys into Biologically Active Erythropoietin Following Microinjection into Xenopus Laevis Oocytes," <i>Clin. Res.</i> 31(4), 769A (November 1983) [A,D,F]
C72	Fiddes et al., "The Gene Encoding the Common Alpha Subunit of the Four Human Glycoprotein Hormones," <i>J. Mol. & App. Genetics</i> , 1, 3-18 (1981) [A]
C73	Fiers et al., "The Human Fibroblast and Human Immune Interferon Genes and Their Expression in Homologous and Heterologous Cells," <i>Phil. Trans. R. Soc. Lond.</i> , B299, 29-38 (1982) [B]
C74	Finch, "Erythropoiesis, Erythropoietin, and Iron," <i>Blood</i> , 60(6), 1241-1246 (December 1982) [A]
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C76	Fisher et al., "Effects of testosterone, cobalt & hypoxia on erythropoietin production in the isolated perfused dog kidney," <i>Ann. N.Y. Acad. Sci.</i> , 75-87 (1967) [D]
C77	Fisher, "Erythropoietin: Pharmacology, Biogenesis and Control of Production," <i>Pharmacological Review</i> , 24(3), 459-508 (1972) [D,E]

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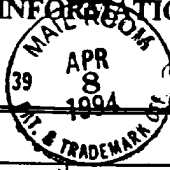
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C79	Fisher, "Control of Erythropoietin Production," <i>Proc. Soc. Exp. Biol. & Med.</i> 173, 289-305 (1983) [F]
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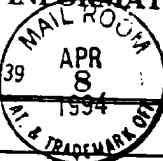
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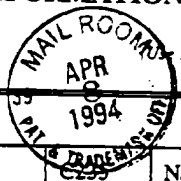
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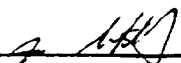
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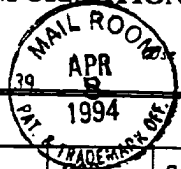
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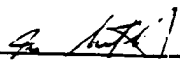
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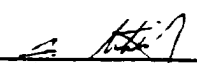

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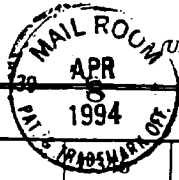
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