

EXHIBIT B

McLawhon, Ronald W.
CONFIDENTIAL

5/17/2007

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN, INC.,

Plaintiff,

v.

Civil Action No.
05-CV-12237-WGY

F. HOFFMANN-LA ROCHE, LTD.,
a Swiss Company, ROCHE
DIAGNOSTICS GmbH, a German
Company, and HOFFMANN-LA
ROCHE, INC., a New Jersey
Corporation,

Defendants.

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DEPOSITION OF RONALD W. MCLAWHON, M.D., PH.D.

SAN DIEGO, CALIFORNIA

MAY 17, 2007

(This transcript  
contains testimony  
designated confidential as  
per Section 5(c) of the  
Amended Protective Order.  
Please treat the entire  
transcript in accordance  
with the protective order.)

Reported by: Harry Alan Palter, CSR NO. 7708

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1 Dr. Goldwasser the individual who established  
2 RIA to be used in assaying EPO samples?  
3 A. He's one of the earlier  
4 leaders, yes.  
5 Q. If you could direct your  
6 attention to McLawhon Exhibit 18 -- I'm  
7 looking at paragraph 96.  
8 You state there, "The unit was  
9 originally designated by Dr. Goldwasser and  
10 his colleagues to represent a selected amount  
11 of erythropoietic activity, i.e., a certain  
12 degree of erythropoietic response in a  
13 'starved' rat equivalent to the response  
14 solicited by the administration of five  
15 micromoles of cobaltous chloride."  
16 So as designated by  
17 Dr. Goldwasser, did the unit refer to  
18 biological activity?  
19 A. It was an arbitrary unit based  
20 on the biological activity in the starved  
21 rat, at that time.  
22 It was later, then, adopted by  
23 international committees as the standard --  
24 as the unit of measure that is subsequently  
25 referenced in later publications.

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1 So at some point, it started  
2 out as an arbitrary unit because there was  
3 nothing prior to that, and then this became  
4 the definition for the unit -- now it was  
5 accepted as a convention for biological  
6 activity.  
7 Q. You go on to state, however,  
8 once that unit was agreed upon by the  
9 international community to represent an EPO  
10 activity or concentration in an RIA in vitro  
11 or in vivo bioassay, it was no longer  
12 arbitrary and misleading to call it  
13 arbitrary.  
14 What's the difference between  
15 an EPO activity or a concentration in an RIA?  
16 A. There would be no difference.  
17 You're talking about a  
18 concentration measure that's representing  
19 activity per units of volume, units in  
20 milliliters or liters, if you look at the  
21 publication.  
22 So it is a concentration  
23 measure, in this case, using the reference  
24 standard material that was in units.  
25 Q. So "EPO activity" or

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1 "concentration in RIA" refer to the same  
2 thing?  
3 A. Hmm-hmm.  
4 Q. Now, if you could direct your  
5 attention back to McLawhon Exhibit 27, the  
6 second page, which is page 866, under  
7 "Bioassay Methods."  
8 The last line of that section  
9 says, "A unit of EPO is defined as the  
10 activity contained in 1/10 of an ampule of  
11 the international reference preparation."  
12 What does that refer to?  
13 A. (Examining document) This would  
14 be 1/10 the ampule of the international  
15 reference preparation and, and at that time,  
16 that would be the -- it would be the second  
17 international reference preparation.  
18 Q. So that's referring to the  
19 second international reference preparation?  
20 And that international  
21 reference preparation -- strike that.  
22 So when Dr. Goldwasser stated  
23 that a unit of EPO is defined as the activity  
24 contained in 1/10 of an ampule of the  
25 international reference preparation, isn't he

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1 defining unit as "activity"?  
2 A. Restate that.  
3 Q. Doesn't this statement say that  
4 a unit of erythropoietin is defined as the  
5 activity of the erythropoietin?  
6 A. It is the activity, and it's in  
7 the bioassay.  
8 Q. So unit used in the bioassay  
9 measures the activity in the EPO?  
10 A. In this particular instance,  
11 yes.  
12 They also use the terminology  
13 for units for the radioimmunoassay.  
14 Q. What antibodies were used in  
15 this paper in the radioimmunoassay?  
16 A. Dr. Goldwasser's?  
17 Q. Yes.  
18 A. The Sherwood and Goldwasser  
19 paper?  
20 Q. What's been marked as McLawhon  
21 Exhibit 27.  
22 A. If you go under the  
23 immunization paragraph on page -- is it 886.  
24 "Antibodies to EPO were raised  
25 in four male New Zealand white rabbits."