

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD;	)	
ROCHE DIAGNOSTICS GmbH; and	)	
HOFFMANN-LA ROCHE INC.	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING WITH CLERK’S OFFICE OF EXHIBITS PREVIOUSLY  
SUBMITTED *IN CAMERA* TO THE DECLARATION OF KRISTA M. RYCROFT IN  
SUPPORT OF ROCHE’S OPPOSITION TO PLAINTIFF AMGEN INC.’S MOTION  
FOR SUMMARY JUDGMENT OF NO INEQUITABLE CONDUCT**

Pursuant to CMF/ECF Administrative Procedures Rule M(6) notice is hereby given that the exhibits listed below have been manually filed with the Court and are available in paper form only.<sup>1</sup> The original documents are maintained in the case file in the Clerk’s Office.

- Exhibit 1 Egrie Input File. (AM-ITC 01072474-501).
- Exhibit 32 Brief for the Senior Party Lin in the ‘334 Interference. (AM-ITC 00832862-943).
- Exhibit 33 June 28, 1994 letter from John Brown to the European Patent Office. (AM-ITC 00312754).
- Exhibit 34 Portions of the April 2, 2007 deposition transcript of Steven Odre.
- Exhibit 35 Portions of the February 14, 2000 deposition transcript of Steven Odre.

<sup>1</sup> These exhibits to the Declaration of Krista M. Rycroft in Support of Roche’s Opposition to Amgen’s Motion for Summary Judgment of No Inequitable Conduct (DN 635) were previously submitted to the court for *in camera* review on July 5, 2007 (*see* Notice of Service of Confidential Documents to be Filed in Support of Roche’s Opposition to Plaintiff Amgen Inc.’s Motion for Summary Judgment of No Inequitable Conduct (DN 641)). Amgen has assented to their filing in the public record.

- Exhibit 54 Portions of a November 9, 1999 deposition transcript of Joan Egrie.
- Exhibit 55 Declaration of Fu-Kuen Lin, submitted in Interference No. 102,334, dated March 18, 1991. (AM-ITC 00295809-16).
- Exhibit 57 Portions of the March 27, 2007 deposition transcript of Joan Egrie.
- Exhibit 58 Portions of the March 28, 2007 deposition transcript of Dr. Lin.
- Exhibit 59 Portions of the March 9, 2007 deposition transcript of Thomas Strickland.
- Exhibit 66 Portions of the March 2, 2007 deposition transcript of Michael Borun.
- Exhibit 68 Reply By Senior Party Lin to the Opposition of Junior Party Fritsch Et Al. to Motions of Senior Party Lin to Terminate Interferences, filed in the '096 and '097 Interferences on January 25, 1990. (AM-ITC 00328341-51).
- Exhibit 82 Notice (III) By Lin Under 37 C.F.R. § 1.682(a) in the '096, '097 and '334 Interferences containing the Initial Determination of the ALJ in Inv. No. 337-TA-281. (AM-ITC 00900525-640).
- Exhibit 83 Notice (III) By Lin Under 37 C.F.R. § 1.682(a) in the '096, '097 and '334 Interferences, served on April 29, 1991. (AM-ITC 00900641-48).
- Exhibit 101 Portions of the November 23, 1999 deposition transcript of Michael Borun.
- Exhibit 103 Egrie, Presentation Transcript "Cloning of Human & Monkey EPO" (1984) from Hemoglobin Switching Meeting, Airlie House, Virginia, September 1984. (AM-ITC 00557610-16).
- Exhibit 104 Portions of the November 23, 1999 deposition transcript of Michael Borun.
- Exhibit 118 Declaration of Thomas Strickland, submitted in the '334 Interference, dated April 5, 1990. (AM-ITC 00339452-64).
- Exhibit 119 Declaration of Jeffrey Browne, submitted in the '334 Interference, dated March 18, 1991. (AM-ITC 00361603-27).
- Exhibit 128 Letter from Richard J. Grochala to Stuart Watt, dated October 12, 1993, with attachments. (AM-ITC 00312283-92).
- Exhibit 132 Portions of Amgen's Product License Application. (AM-ITC 00092249-60; AM-ITC 00092850-81).

- Exhibit 136 Portions of Amgen's Notice of Claimed Investigational Exemption for Recombinant-Human Erythropoietin (r-HuEPO). (AM-ITC 00092112-37; AM-ITC 00091216-17).
- Exhibit 140 Portions of Lab Notebook 448. (AM-ITC 00052045).
- Exhibit 141 January 13, 1984 letter from Dr. Egrie to Dr. Gaylis. (AM-ITC 00057704).
- Exhibit 142 Handwritten notes. (AM-ITC 00057723-24).
- Exhibit 143 Handwritten notes. (AM-ITC 00057735).
- Exhibit 144 Draft article by Drs. Gaylis, Ascensao, Zanjani, Egrie, Fraley and Bronson. (AM-ITC 00057708-18).
- Exhibit 145 February 12, 1985 letter from Dr. Gaylis to Dr. Egrie enclosing a draft manuscript. (AM-ITC 00057688-701).
- Exhibit 146 Memo written by Drs. Gaylis, Egrie, Goldwasser, Vasella, Fraley and Bronson. (AM-ITC 00057687).
- Exhibit 147 Letters from Dr. Gaylis to Dr. Goldwasser and accompanying memorandum. (FG 000012-21).
- Exhibit 148 November 6, 1986 letter from David Smith to David Bronson. (FG 000048).
- Exhibit 151 November 30, 1982 Abstract Reproduction Form by Dr. Ascensao. (FG 000051).
- Exhibit 154 Portions of the March 29, 2007 deposition transcript of Stephen Elliot.
- Exhibit 168 Portions of a November 6, 1997 deposition transcript of Stuart Watt. (AM-ITC 00892909-39).
- Exhibit 169 Portions of a May 24, 1989 deposition transcript of George Rathmann.
- Exhibit 171 Handwritten notes regarding RIA. (AM-ITC 00551000).
- Exhibit 172 October 7, 1985 letter from Tatsuhiko Kaneko to Joan Egrie, with attachments. (AM-ITC 00550776-816).
- Exhibit 173 October 5, 1984 memo from D. Vapnek to recipients at Amgen, with related attachments. (AM-ITC 00061675-706).
- Exhibit 174 Packet of materials regarding RIA, including handwritten notes dated November 14, 1984, a December 11, 1984 letter from Mamoru Kubota to Joan Egrie, additional data and additional letters. (AM-ITC 00550986-1044).

- Exhibit 177 March 15, 1990 memo from George Rathmann to Dan Vapnek. (AM-ITC 00558618-20).
- Exhibit 178 July 24, 1990 memo from George Rathmann to Drs. Egrie, Browne, Strickland and Vapnek, as well as Mr. Odre, among other Amgen recipients. (AM-ITC 00594730-735).
- Exhibit 186 November 1, 1990 memorandum from S. Hershenson and N.E. Gabriel to J. Browne, K. Chen, J. Egrie, B.W. Hendren, S. Odre, C. Pitt, K. Retterson, T. Strickland, D. Vapnek, M. Vincent, K. Wiltsey. (AM-ITC 00097004-18).
- Exhibit 190 September 17, 1984 memo from D. Vapnek to J. Fenno and N. Stebbing. (AM-ITC 00084770-80).
- Exhibit 191 December 3, 1984 memo from Joan Egrie and Jim Fenno to numerous Amgen recipients. (AM-ITC 00557514-27).
- Exhibit 192 January 11, 1984 letter from Michael Borun to Eugene Goldwasser. (AM-ITC 00954202).
- Exhibit 193 September 24, 1990 memo from Joan Egrie to J. Browne, E. Gabriel, S. Odre, T. Strickland and D. Vapnek. (AM-ITC 00554114-25).
- Exhibit 194 October 31, 1990 memo from Joan Egrie to J. Browne, E. Gabriel, S. Hershenson, S. Odre and T. Strickland. (AM-ITC 00573885-903).
- Exhibit 198 February 6, 1984 letter from Joseph Baron to the National Center for Drugs and Biologics. (AM-ITC 00245727-29).
- Exhibit 199 Grant Application by Dr. Goldwasser, dated August 31, 1984. (AM-ITC 00849306-41).
- Exhibit 201 September 10, 1985 memo from Dr. Browne to Dr. Vapnek. (AM-ITC 00932278-85).
- Exhibit 221 September 20, 1984 letter from Dr. Egrie to Drs. Suzuki and Sudo. (AM-ITC 00134725).
- Exhibit 224 February 14, 2007 deposition transcript of Dr. Eugene Goldwasser.
- Exhibit 225 December 11, 1984 memo from Jeff Browne. (AM-ITC 00134889-92).
- Exhibit 226 Defendant's Responses and Objections to Plaintiff Amgen's Third Set of Interrogatories to Defendants (No. 26) (April 2, 2007).

- Exhibit 243 November 2, 1990 memorandum from George Rathmann. (AM-ITC 00558658-76).
- Exhibit 244 February 14, 1986 letter from Joan Egrie. (AM-ITC 00550541-44).
- Exhibit 245 Additional portions of the March 27, 2007 deposition transcript of Dr. Joan Egrie.
- Exhibit 246 Additional portions of the March 28, 2007 deposition transcript of Dr. Fu-Kuen Lin.

Dated: July 12, 2007  
Boston, Massachusetts

Respectfully submitted,

F. HOFFMANN-LA ROCHE LTD,  
ROCHE DIAGNOSTICS GMBH, and  
HOFFMANN-LA ROCHE INC.

By their attorneys,

/s/ Keith E. Toms

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Keith E. Toms  
Keith E. Toms

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