

7/3/2007 Lodish, Harvey

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1 Exhibits: 1-21 Volume 1, Pages 1-306
 2 UNITED STATES DISTRICT COURT
 3 FOR THE DISTRICT OF MASSACHUSETTS
 4 Civil Action No. 05 Civ. 12237 WGY
 5 -----
 6 AMGEN INC.
 7
 8 Plaintiff
 9
 10 vs.
 11 F. HOFFMAN-LA ROCHE LTD.,
 12 ROCHE DIAGNOSTICS GmbH, and
 13 HOFFMANN-LA ROCHE INC.
 14 -----
 15 Defendants
 16 -----
 17 VIDEOTAPED DEPOSITION OF
 18 HARVEY F. LODISH, Ph.D.
 19 Tuesday, July 3, 2007, 9:04 a.m.
 20 Duane Morris LLP
 21 470 Atlantic Avenue
 22 Boston, Massachusetts
 23
 24 ** TRANSCRIPT DESIGNATED CONFIDENTIAL OUTSIDE ATTORNEY'S EYES ONLY
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 San Francisco, California 94105
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 Reported by:
 JANIS T. YOUNG, RDR, CRR

1 I N D E X
 2
 3 EXAMINATIONS
 4 HARVEY F. LODISH, Ph.D.
 5 BY MS. BEN-AMI 7
 6 BY MR. DAY 282
 7 BY MS. BEN-AMI 296
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 9 EXHIBITS MARKED
 10 Exhibit 1 Expert Report of Harvey F. 6
 11 Lodish, Ph.D. Regarding Infringement
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 22 ALSO PRESENT:
 23 Adam Cook, Videographer
 24
 25

1 Exhibit 10 U.S. Patent 5,441,868 6
 2 Exhibit 11 U.S. Patent 5,621,080 6
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 7 Molecular Cell Biology, Sixth
 8 Edition, by Lodish, et al.
 9 Exhibit 15 Color Pictures from 179
 10 Attachments to Jorgensen Report
 11 Exhibit 16 Application for United 200
 12 States Letters Patent, with Cover
 13 Sheet dated 12-13-83, AM-ITC
 14 00948379-00948649
 15 Exhibit 17 Application for United 200
 16 States Letters Patent, AM-ITC
 17 00470468-00470531
 18 Exhibit 18 Application for United 200
 19 States Letters Patent, AM-ITC
 20 00470717-00470813
 21 Exhibit 19 Application for United 200
 22 States Letters Patent, AM-ITC
 23 00869737-00869844
 24
 25 (Continued)

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 25 Q. So let's take the occupancy of the [REDACTED]

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 19 Q. Why is the binding affinity of CERA
 20 different than EPO?
 21 A. The binding affinity of CERA to the EPO
 22 receptor different from the binding affinity of EPO?
 23 I don't think it is known why. I can offer you one
 24 explanation.
 25 Q. So the answer is, it's not known why, but

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1 you have a hypothesis?
 2 A. I have several hypotheses. I will offer
 3 you one.
 4 Q. Can you offer them all to me?
 5 A. Well, let's go through one at a time.
 6 Q. Okay.
 7 A. The first hypothesis is, CERA is a mixture
 8 of 90 percent dead protein and 10 percent functional
 9 protein. That is, the simplest explanation of what
 10 happens after PEGylation is, you kill, in some
 11 unknown way, roughly 90 percent of the EPO
 12 molecules. They're dead.
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