

6/19/2007 Bradshaw, Ralph

6/19/2007 Bradshaw, Ralph **EXHIBIT D**

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 --ooOoo--
 4 AMGEN INC.,)
 5)
 6 Plaintiff,)
 7 vs.) No. 05-CV-12237 WGY
 8)
 9 F. HOFFMAN-LA ROCHE, LTD.,)
 10 ROCHE DIAGNOSTICS, GmbH, and)
 11 HOFFMAN-LA ROCHE, INC.,)
 12)
 13 Defendants.)
 14)
 15)

1 Exhibit 4 United States Patent No. 4,667,016 177
 2 Exhibit 5 Purification of Human Erythropoietin 258
 3 Exhibit 6 Sugar profiling proves that human
 4 serum erythropoietin differs from
 5 recombinant human erythropoietin 278
 6 Exhibit 7 United States Patent No. 4,703,008 295
 7 Exhibit 8 United States Patent No. 5,621,080 295
 8 Exhibit 9 United States Patent No. 5,618,698 296
 9 Exhibit 10 United States Patent No. 5,756,349 296
 10 Exhibit 11 United States Patent No. 5,441,868 296
 11 Exhibit 12 United States Patent No. 5,955,422 296
 12 Exhibit 13 United States Patent No. 5,547,933 296
 13 ---oOo---

12 Videotaped Deposition of
 13 RALPH BRADSHAW, Ph.D.
 14 TUESDAY, JUNE 19, 2007

16 (Contains Amgen Confidential and Roche Restricted
 17 Access Confidential Information BIA/IND Material
 18 Subject To Protective Order)
 19 **REDACTED**

20 SHEILA CHASE & ASSOCIATES
 21 REPORTING ON BEHALF OF LIVENOTE WORLD SERVICE
 22 221 Main Street, Suite 1250
 23 San Francisco, CA 94105

24 Reported by:
 25 DIANA NOBRIGA, CSR, CRR
 LICENSE NO. 7071

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1 I N D E X
 2 DEPOSITION OF RALPH BRADSHAW, Ph.D.
 3 TUESDAY, JUNE 19, 2007
 4 EXAMINATION BY: Page
 5 MR. JAGOE 7, 296
 6 MS. CARTER 294
 7 E X H I B I T S
 8 Page
 9 Exhibit 1 (Contains Amgen Confidential
 10 Information Subject to
 11 Protective Order) Rebuttal Report
 12 of Ralph A. Bradshaw, Ph.D. 40
 13 Exhibit 2 (Contains Amgen Confidential and
 14 Roche Restricted Access
 15 Confidential Information BIA/IND
 16 Material Subject to Protective
 17 Order) Rebuttal Report of Ralph A.
 18 Bradshaw, Ph.D. to New
 19 Non-Infringement Arguments Raised in
 20 the Rebuttal Reports of Defendants'
 21 Experts 40
 22 Exhibit 3 The Amino Acid Sequence of the
 23 y-Subunit of Mouse Submaxillary
 24 Gland 7 S Nerve Growth Factor 97
 25

1 BE IT REMEMBERED that, pursuant to Notice of
 2 Taking Deposition, and on TUESDAY, JUNE 19, 2007,
 3 commencing at the hour of 9:06 a.m., thereof at
 4 LiveNote, 221 Main Street, Suite 1250, San Francisco, CA
 5 94105, before me, DIANA NOBRIGA, a Certified Shorthand
 6 Reporter in and for the State of California, personally
 7 appeared
 8
 9 RALPH BRADSHAW, Ph.D.,
 10
 11 called as a witness by the defendants, who being by me
 12 first duly sworn, was thereupon examined and testified
 13 as hereinafter set forth.
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 15 - - -
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6/19/2007 Bradshaw, Ralph

1 APPEARANCES

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19 ALSO PRESENT: JAKE KROHN, VIDEOGRAPHER

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6/19/2007 Bradshaw, Ralph

1 his expert report.

2 THE WITNESS: I have no direct knowledge what
3 Amgen did.

4 MR. JAGOE: Q. Well, did you review any Amgen
5 documents?

6 A. I reviewed -- the only Amgen documents I
7 reviewed related to the repeat of the Lin teachings and
8 also the application of the Miyake procedure by a
9 Dr. Egrie. Those were the only two Amgen documents I
10 reviewed.

11 Q. You didn't review the Amgen documents that
12 Dr. Flavell reviewed?

13 A. I don't believe I did.

14 Q. In the '422 patent, is there an example of
15 human erythropoietin that is purified to apparent
16 homogeneity?

17 A. So I believe in '422 a protocol is described
18 for obtaining homogeneous human recombinant
19 erythropoietin from CHO cells found in Example 10.

20 Q. What column and line are you looking at, for
21 the court reporter?

22 A. Column 28, line 44.

23 Q. And that's an example of a preparation of
24 human erythropoietin that's been purified to apparent
25 homogeneity?

113

6/19/2007 Bradshaw, Ralph

1 A. That's the information on how to obtain it.

2 Q. But my question is, is there an example of a
3 preparation of human erythropoietin that has been
4 purified to apparent homogeneity?

5 A. Can you define to me what you mean by an
6 example? We need to be in agreement on that word.

7 Q. I mean a description of work that was actually
8 done and shown to be what it reports to be.

9 MS. CARTER: Objection; vague and ambiguous.

10 THE WITNESS: So you mean by an example
11 chromatography or an electrophoretogram or some
12 indication of the actual physical properties of the
13 material? Is that what you're asking?

14 MR. JAGOE: Q. Something that would show a
15 person of skill in the art, for example, like one of the
16 readers of JBC, that Dr. Lin had actually in hand a
17 sample preparation of human erythropoietin that had been
18 purified to apparent homogeneity.

19 A. There is no material -- there is no direct
20 example showing the homogeneous material by that
21 criteria, no.

22 Q. Is there any example of a suggested protocol,
23 what we call it, prophetic example, of a preparation of
24 human erythropoietin that has been purified to apparent
25 homogeneity?

114