

# EXHIBIT 17

IN THE HIGH COURT OF JUSTICE

CH 1993 B NO. 4552

CHANCERY DIVISION

PATENTS COURT

B E T W E E N :-

- 1. BOEHRINGER MANNHEIM GmbH
- 2. GENETICS INSTITUTE INC

Plaintiffs

- and -

CILAG LIMITED

Defendant

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REQUEST FOR FURTHER AND BETTER  
PARTICULARS OF THE PARTICULARS  
OF OBJECTIONS

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The Defendant is requested to give the following further and better particulars of its Particulars of Objections (wherein the Defendant is described as the First Defendant) within 14 days of the service hereof.

Of:

"1.3 The invention as claimed in each of the claims of the '539 Patent is not described clearly or completely enough for it to be performed by a person skilled in the art.

Particulars

Hereunder the First Defendant relies upon the fact that the process taught and claimed in the specification of the '539 Patent is not sufficient to enable a person of ordinary skill in the art to obtain

-1-

AM 67 005497  
CONFIDENTIAL  
SUBJECT TO PROTECTIVE ORDER

AM-ITC 00790194

homogeneous EPO which has an in vivo specific activity of "about 160,000 IU per absorbance at 280 nanometres".

Request:

So that the Plaintiffs can understand the allegation of insufficiency made against the '539 Patent:

- (a) identify all matters relied upon as allegedly rendering the specification thereof insufficient to enable a person of ordinary skill in the art to obtain homogeneous EPO which has an in vivo specific activity of about 160,000 IU per absorbance at 280 nanometres;
- (b) state whether it is alleged that the specification is insufficient to enable a person of ordinary skill in the art to obtain EPO which is homogeneous or EPO having the stated specific activity or both and, if both, identify which of the matters set out in response to (a) above is relied upon in support of which allegation.

MICHAEL TAPPIN

Served this *1st* day of *June* 1995 by Messrs Herbert Smith of Exchange House, Primrose Street, London EC2A 2HS, Solicitors for the Plaintiffs.

AM 67 005498  
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