

# EXHIBIT 36

5-16-72

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COPY

AMGEN INC.,

Plaintiff

v.

CHUGAI PHARMACEUTICAL CO., LTD.  
and GENETICS INSTITUTE, INC.,

Defendants

Judge William G. Young

Civil Action  
No. 87-2617-Y

JUDGMENT

WHEREAS, on October 27, 1987, AMGEN, INC. ("Amgen") commenced this lawsuit alleging that CHUGAI PHARMACEUTICAL CO. ("Chugai") and GENETICS INSTITUTE, INC. ("GI") had infringed Amgen's United States Patent No. 4,703,008 ("the '008 Patent"); and

WHEREAS, infringement of the '008 Patent by GI has been found but damages resulting from that infringement are yet to be determined; and

WHEREAS, Amgen and GI have informed the Court that they have entered into a Settlement Agreement subject to entry of this stipulated judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the subject matter of this action and over each of the parties hereto.

2. The '008 Patent was duly and legally issued, is valid and enforceable in law and equity, and has been infringed by GI. GI has been and by this judgment continues to be enjoined from any further infringement thereof.

3. Based upon the stipulation and representation of GI and Amgen as reflected in their Settlement Agreement, judgment shall enter against GI for damages arising from GI's infringement of the '008 Patent in the amount set forth in that agreement.

4. The counterclaims of GI and Chugai are dismissed on the merits with prejudice.

5. Each party herein shall bear its own attorneys' fees and costs.

6. This Court shall retain jurisdiction over the parties and over the subject matter of the action for the purposes of insuring compliance with this Judgment.

SO ORDERED THIS 19<sup>TH</sup> DAY OF May, 1993

William B. Young  
United States District Judge

STIPULATED TO:

GENETICS INSTITUTE, INC.

By: William F. Lee  
William F. Lee BBO #291960  
Hale and Dorr  
60 State Street  
Boston, MA 02109  
(617) 742-9100

AMGEN INC.

By: D. Dennis Allegretti  
D. Dennis Allegretti BE #545511  
Allegretti & Witcoff, Ltd.  
75 State Street  
Boston, MA 02109  
(617) 345-9100

CHUGAI PHARMACEUTICAL CO., LTD.

By: Kurt E. Richter (D.B.B.)  
Kurt E. Richter  
Morgan & Finnegan  
345 Park Avenue  
New York, NY 10154  
(212) 758-4800