

**EXHIBIT A**

**[PROPOSED] SPECIAL VERDICT FORM**

**INFRINGEMENT**

Q.1. Considering each claim separately, did Amgen persuade you that it is more likely than not that Roche’s MICERA product infringes the following claims of U.S. Patent No. 5,547,933 (the “ ‘933 Patent”)?

(a “yes” answer is an answer for Amgen and a “no” answer is an answer for Roche)

Claim 3      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 7      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 9      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 10    Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 11    Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 14    Yes\_\_\_\_\_                      No\_\_\_\_\_

Q.2. Considering each claim separately, did Amgen persuade you that it is more likely than not that Roche's MICERA product infringes the following claims of U.S. Patent No. 5,441,868 (the " '868 Patent")?

(a "yes" answer is an answer for Amgen and a "no" answer is an answer for Roche)

Claim 1      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 2      Yes\_\_\_\_\_                      No\_\_\_\_\_

Q.3. Considering each claim separately, did Amgen persuade you that it is more likely than not that Roche's MICERA product infringes the following claims of U.S. Patent No. 5,618,698 (the " '698 Patent")?

(a "yes" answer is an answer for Amgen and a "no" answer is an answer for Roche)

Claim 6      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 7      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 8      Yes\_\_\_\_\_                      No\_\_\_\_\_

Claim 9      Yes\_\_\_\_\_                      No\_\_\_\_\_

Q.4. Considering each claim separately, did Amgen persuade you that it is more likely than not that Roche's MICERA product infringes the following claims of U.S. Patent No. 5,756,349 (the " '349 Patent")?

(a "yes" answer is an answer for Amgen and a "no" answer is an answer for Roche)

Claim 7      Yes \_\_\_\_\_                      No \_\_\_\_\_

**INVALIDITY**

**'422 Patent**

Q.5. Did Roche prove by clear and convincing evidence that claim 1 of the '422 patent is anticipated and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_                      No \_\_\_\_\_

Q.6. Did Roche prove by clear and convincing evidence that claim 1 of the '422 patent is obvious and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_                      No \_\_\_\_\_

Q.7. Did Roche prove by clear and convincing evidence that claim 1 of the '422 patent is indefinite and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_

No \_\_\_\_\_

Q.8. Did Roche prove by clear and convincing evidence that claim 1 of the '422 patent is not enabled and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_

No \_\_\_\_\_

**'933 Patent**

Q.9. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '933 patent is anticipated and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 3: Yes \_\_\_\_\_

No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_

No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_

No \_\_\_\_\_

Claim 10: Yes \_\_\_\_\_

No \_\_\_\_\_

Claim 11: Yes \_\_\_\_\_

No \_\_\_\_\_

Claim 14: Yes \_\_\_\_\_

No \_\_\_\_\_

Q.10. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '933 patent is obvious and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 3: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 10: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 11: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 14: Yes \_\_\_\_\_ No \_\_\_\_\_

Q.11. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '933 patent is not enabled and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 3: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 10: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 11: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 14: Yes \_\_\_\_\_ No \_\_\_\_\_

**'349 Patent**

Q.12. Did Roche prove by clear and convincing evidence that Claim 7 of the '349 patent is obvious and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_

No \_\_\_\_\_

Q.13. Did Roche prove by clear and convincing evidence that claim 7 of the '349 patent is indefinite and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_ No \_\_\_\_\_

Q.14. Did Roche prove by clear and convincing evidence that claim 7 of the '349 patent fails to meet the written description requirement and is therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_ No \_\_\_\_\_

Q.15. Did Roche prove by clear and convincing evidence that claim 7 of '349 patent is not enabled and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_ No \_\_\_\_\_

**'868 Patent**

Q.16. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '868 patent is invalid because of obviousness-type double patenting over any claim of prior U.S. Patent No. 5,703,008?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 1: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 2: Yes \_\_\_\_\_ No \_\_\_\_\_

Q.17. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '868 patent is obvious and therefore invalid?





Q.19. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '698 patent is obvious and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 6: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 8: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

Q.20. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims in the '698 patent is indefinite and therefore invalid?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Claim 6: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 8: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

Q.21. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the '698 patent fails to meet the written description requirement and is therefore invalid?

(a “no” answer is an answer for Amgen and a “yes” answer is an answer for Roche)

Claim 6: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 8: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

Q.22. Considering each claim separately, did Roche prove by clear and convincing evidence that any of the following claims of the ‘698 patent is not enabled and therefore invalid?

(a “no” answer is an answer for Amgen and a “yes” answer is an answer for Roche)

Claim 6: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 8: Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 9: Yes \_\_\_\_\_ No \_\_\_\_\_

**INEQUITABLE CONDUCT**

Q.23. Did Roche prove by clear and convincing evidence that the '422 Patent is unenforceable because Amgen engaged in inequitable conduct before the U.S. Patent and Trademark Office?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes\_\_\_\_\_

No\_\_\_\_\_

Q.24. Did Roche prove by clear and convincing evidence that the '933 Patent is unenforceable because Amgen engaged in inequitable conduct before the U.S. Patent and Trademark Office?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes\_\_\_\_\_

No\_\_\_\_\_

Q.25. Did Roche prove by clear and convincing evidence that the '349 Patent is unenforceable because Amgen engaged in inequitable conduct before the U.S. Patent and Trademark Office?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes\_\_\_\_\_

No\_\_\_\_\_

Q.26. Did Roche prove by clear and convincing evidence that the '868 Patent is unenforceable because Amgen engaged in inequitable conduct before the U.S. Patent and Trademark Office?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes\_\_\_\_\_

No\_\_\_\_\_

Q.27. Did Roche prove by clear and convincing evidence that the '698 Patent is unenforceable because Amgen engaged in inequitable conduct before the U.S. Patent and Trademark Office?

(a "no" answer is an answer for Amgen and a "yes" answer is an answer for Roche)

Yes \_\_\_\_\_

No \_\_\_\_\_