IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and CITY OF HOPE, Plaintiffs and Counterclaim Defendants, v. AMGEN INC., Defendant and Counterclaim Plaintiff.	Case No. 1:18-cv-00924-CFC

DEFENDANT AMGEN INC.'S FIRST NOTICE OF DEPOSITION OF PLAINTIFFS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Defendant Amgen Inc. ("Defendant") will take the deposition by oral examination of Plaintiffs Genentech, Inc. ("Genentech"), and City of Hope (collectively, "Plaintiffs"), on the topics set forth in the attached Schedule A, through one or more officers, directors, agents, or other persons designated by Plaintiffs to testify on their behalf.

The deposition will take place before an officer duly authorized by law to administer oaths, at the office of Cooley LLP, 3175 Hanover St, Palo Alto, CA 94304, on a date or dates to be determined as mutually convenient for both parties. The testimony will be recorded stenographically and by videotape. The deposition will be taken for the purposes of discovery and all other purposes permitted by the Federal Rules of Civil Procedure.

Dated: April 1, 2019

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SCHEDULE A

DEFINITIONS

1. "Plaintiffs," "You," and "Your" mean Genentech, Inc.; F. Hoffmann-La Roche Ltd.; and City of Hope, individually and collectively, and includes their officers, directors, partners, corporate parents, subsidiaries, affiliates, agents, employees, consultants, predecessors, successors, predecessors-in-interest, successors-in-interest, representatives, all persons or entities currently or previously under their control, and all persons or entities currently or previously acting on their behalf.

2. "Genentech" means Genentech, Inc. and any and all affiliates and subsidiaries.

3. "Roche" means F. Hoffmann-La Roche, Inc. and any and all affiliates and subsidiaries.

4. "Concerning," "relating to," or "referring to" any given subject matter means, without limitation, identifying, assessing, stating, constituting, containing, embodying, tending to support or refute, referring directly or indirectly to, pertaining to, reflecting upon, evidencing, concerning, discussing, describing, mentioning, summarizing or connecting, in any way, to the particular subject matter.

5. "Communication" means any exchange or transmittal of information in the form of facts, ideas, inquiries, or otherwise, whether written, oral, electronic, or in any other form.

6. "Person" means any natural person or any business, legal or governmental entity, or association.

7. "'213 patent" means U.S. Patent No. 6,407,213.

8. "'918 patent" means U.S. Patent No. 6,620,918.

9. "'196 patent" means U.S. Patent No. 6,627,196.

10. "'379 patent" means U.S. Patent No. 7,371,379.

11. "'834 patent" means U.S. Patent No. 7,993,834

12. "'066 patent" means U.S. Patent No. 8,076,066.

13. "'983 patent" means U.S. Patent No. 8,512,983.

14. "'869 patent" means U.S. Patent No. 8,574,869.

15. "'293 patent" means U.S. Patent No. 9,714,293.

16. "'811 patent" means U.S. Patent No. 10,160,811.

17. "'744 patent" means U.S. Patent No. 9,493,744.

18. "'106 patent" means U.S. Patent No. 10,184,106.

19. "Patents-in-Suit" means collectively the '213 patent, the '918 patent, the '196 patent, the '379 patent, the '834 patent, the '066 patent, the '983 patent, the '869 patent, the '293 patent, the '811 patent, and any additional patents that Plaintiffs may assert in this litigation.

20. "Prior Art" means all documents, information, acts, or things that qualify as prior art under any subsection of 35 U.S.C. §§ 102 and 103, including all systems, methods, apparatus, publications, patents, or uses.

21. "Related Patents and Applications" means any and all applications related to the Patents-in-Suit, including any continuations, continuations-in-part, divisionals, interferences, reexaminations, reissues, parents, foreign counterpart applications, and any other applications disclosing, describing, or claiming any invention disclosed, described, or claimed in the Patents-in-Suit, or claiming the benefit of the filing date of any applications whose benefit is claimed in the Patents-in-Suit, whether or not abandoned and whether or not issued.

22. "FDA" means the U.S. Food and Drug Administration.

23. The term "Herceptin®" means the trastuzumab antibody product approved by the

FDA under Biologic License Application No. 103792.

24. "Including" shall be construed broadly as "including without limitation."

25. The connectors "and," "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary in order to give the broadest meaning to the request.

26. The use of the singular form of any word includes the plural and vice versa, and the past tense shall include the present tense and vice versa, as necessary, to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

TOPICS FOR EXAMINATION

1. The identity and inventive contributions, and the nature and existence of evidence corroborating such inventive contributions of each person who conceived any aspect of any claim of the following patents:

   a. '213 patent;

   b. '918 patent;

   c. '196 patent, '379 patent, and '811 patent;

   d. '834 patent, and '066 patent;

   e. '983 patent, and '293 patent;

   f. '869 patent; and

   g. '744 and '106 patent,

as well as the identity and location of persons most knowledgeable about this topic, and the identity and location of documents concerning this topic

2. Reduction to practice of any invention embodying any claim of the following patents, and the nature and existence of evidence corroborating diligent reduction to practice:

   a. '213 patent;

   b. '918 patent;

   c. '196 patent, '379 patent, and '811 patent;

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