

EXHIBIT A

To: [Todd S Werner](#); [Shelleaha L Jonas](#)
Cc: [Regorafenib](#); [Scott, Ian](#); [Kouyoumdjian, Philip Y.](#); [Karen Keller](#); [Nate Hoeschen](#); [Jack B. Blumenfeld](#); [Dov P. Grossman](#); [Jessica B. Rydstrom](#); [Bowers, Seth](#); [Kenneth L. Dorsney](#); [Derek J. Fahnestock](#); [Anthony D. Raucci](#); [Bayer-Stivarga](#)
Date: Wednesday, August 15, 2018 10:40:32 AM
Attachments: [image001.png](#)

Todd,

To address your questions:

Onyx Litigation

We are withholding the Cockburn and Rao materials and Onyx Bates stamped exhibits mentioned in my email pursuant to Amgen's instructions. Regarding the Onyx fact witness materials, we disagree with you on the relevance and proportionality of your request. And as we have previously explained, those documents are extremely likely to contain Onyx confidential information.

Mylan Litigation

Regarding the Grossbard and O'Dwyer materials, we understand you to be asking for redacted or excerpted expert reports, deposition transcripts, and exhibits. Because Mylan would need to authorize the production of those materials, you should ask Mylan for those materials directly. Assuming Mylan approves, we have no objection to the production of that information pursuant to the protective order in this case, provided that we also receive a copy of any redacted or excerpted materials that Mylan agrees to produce.

Best wishes,

Ben Picozzi

Associate | Williams & Connolly LLP

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From: Todd S Werner [mailto:TWerner@carlsoncaspers.com]

Sent: Tuesday, August 14, 2018 8:20 PM

To: Picozzi, Ben <BPicozzi@wc.com>; Shelleaha L Jonas <SJonas@carlsoncaspers.com>

Cc: Regorafenib <Regorafenib@carlsoncaspers.com>; Scott, Ian <iscott@taftlaw.com>; Kouyoumdjian, Philip Y. <pkouyoumdjian@taftlaw.com>; Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>; Jack B. Blumenfeld <jblumenfeld@mnat.com>; Grossman, Dov <DGrossman@wc.com>; Rydstrom, Jessica <JRydstrom@wc.com>; Bowers, Seth <SBowers@wc.com>; Kenneth L. Dorsney <kdorsney@morrisjames.com>; Derek J. Fahnestock <dfahnestock@mnat.com>; Anthony D. Raucci <araucci@mnat.com>; Bayer-Stivarga <BayerStivarga@wc.com>

Subject: RE: Bayer v. Teva 16-1221 - Third Party Confidentiality

Ben:

Onyx Litigation

As you can appreciate, we need to know which of these documents are being withheld based on instructions from Onyx, versus those being withheld for some other reason. For all documents being withheld, including exhibits to transcripts, please specify whether Onyx has instructed you to withhold those documents.

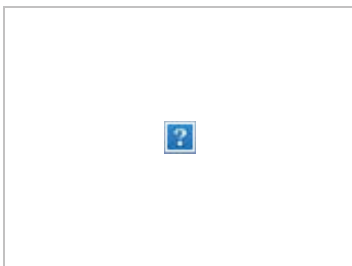
To the extent your objection is relevance, as appears to be the case for Onyx fact witnesses, I would remind you that we have said we are only seeking transcripts/reports/exhibits from witnesses offering testimony concerning certain issues (R&D, marketing and sales of commercial embodiments of the '834 patent).

Mylan Litigation

With respect to the two outstanding Mylan experts, our question was simply whether Bayer will produce the portions of their expert reports, deposition transcripts, and exhibits addressing objective indicia of non-obviousness relating to Bayer's Nexavar product if Mylan is agreeable to such a production. Please provide Bayer's position on this issue, and the information requested above, by noon tomorrow.

Thanks,

Todd



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From: Picozzi, Ben [<mailto:BPicozzi@wc.com>]

Sent: Tuesday, August 14, 2018 4:50 PM

To: Shelleaha L Jonas

Cc: Regorafenib; Scott, Ian; Kouyoumdjian, Philip Y.; Karen Keller; Nate Hoeschen; Jack B. Blumenfeld; Dov P. Grossman; Jessica B. Rydstrom; Bowers, Seth; Kenneth L. Dorsney; Derek J. Fahnestock; Anthony D. Raucci; Bayer-Stivarga

Subject: RE: Bayer v. Teva 16-1221 - Third Party Confidentiality

Shelly,

It is unclear from your email precisely what you are requesting, given the information we have previously provided.

Nevertheless, with respect to the Onyx litigation, we have produced or will shortly produce deposition transcripts for the Bayer fact witnesses that we understand to have been deposed in that proceeding. We are withholding Onyx Bates-stamped exhibits for those witnesses that contain Onyx confidential information.

Regarding Onyx fact witnesses, the materials you have requested are not relevant to any of the issues you have raised and are highly likely to contain Onyx confidential information. We have therefore not agreed to produce them.

We are withholding expert reports and deposition transcripts for Dr. Iain Cockburn (Onyx) and Dr. Mohan Rao (Bayer). Both of those experts addressed damages, and their materials contain Onyx confidential information relating to Onyx's contractual claims. We have produced or will shortly produce the deposition transcripts and expert reports for the remaining Bayer and Onyx experts. We are withholding Onyx Bates-stamped exhibits for those witnesses that contain Onyx confidential information.

As we have previously explained, Amgen has not given us permission to produce Onyx confidential information, subject to limited exceptions. If you have a contrary understanding of Amgen's position based on your communications with Amgen, please state that understanding.

With respect to your question regarding Dr. Grossbard and Dr. O'Dwyer's materials, we have produced deposition transcripts, expert reports, and exhibits that relate to objective indicia for the '834 patent. We are withholding deposition transcripts and certain expert reports and exhibits that relate to patents that were asserted in the Mylan case, but are not asserted here, and which contain Mylan confidential information. Even if those materials were relevant, which they are not, we have not received permission from Mylan to produce them.

Best,

Ben Picozzi

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From: Shelleaha L Jonas [<mailto:SJonas@carlsoncaspers.com>]

Sent: Monday, August 13, 2018 3:26 PM

To: Picozzi, Ben <BPicozzi@wc.com>; Bowers, Seth <SBowers@wc.com>; Rydstrom, Jessica

<JRydstrom@wc.com>; Grossman, Dov <DGrossman@wc.com>

Cc: Regorafenib <Regorafenib@carlsoncaspers.com>; Kouyoumdjian, Philip Y. <pkouyoumdjian@taftlaw.com>; Scott, Ian <iscott@taftlaw.com>; Karen Keller <kkeller@shawkeller.com>; Nate Hoeschen <nhoeschen@shawkeller.com>; Jack B. Blumenfeld <jblumenfeld@mnat.com>; Kenneth L. Dorsney <kdorsney@morrisjames.com>; Derek J. Fahnestock <dfahnestock@mnat.com>; Anthony D. Raucci <araucci@mnat.com>; sjanosik@amgen.com

Subject: Bayer v. Teva 16-1221 - Third Party Confidentiality

Bayer Counsel,

You represented in your email of July 30 that you were in the process of identifying which expert witness reports, deposition transcripts, and exhibits are being withheld due to Onyx confidential information. You similarly noted that you were identifying which Bayer fact witness transcripts and exhibits are being withheld due to Onyx confidential information. We understand we are at an impasse as to Onyx fact witness deposition transcripts and exhibits concerning the research and development, marketing, and sales of sorafenib and/or regorafenib.

On August 2, Amgen confirmed that it has authorized the production of non-confidential information and selected Onyx confidential information related to the *Onyx v. Bayer* matter under the terms of the protective order in this case, and that this information either has been or will be provided to Teva counsel. Amgen further instructed us to contact you (Bayer) for further details. As a result, despite this issue having been pending for weeks, Defendants remain unaware what information is being withheld.

In anticipation of our letter due to the Court on Wednesday, please provide the remaining information we requested in our email of July 25.

Additionally, we have asked Mylan whether it is agreeable to Bayer producing the portions of the expert reports, deposition transcripts, and exhibits of Peter O'Dwyer and Michael Grossbard addressing objective indicia of non-obviousness relating to Bayer's Nexavar product. To the extent Mylan consents to the production of this information, please confirm that Bayer will produce it.

Regards,
Shelly



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