

TO: **Mail Stop 8**
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern Iowa on the following Patents or Trademarks:

DOCKET NO. 3:08-cv-112	DATE FILED 9/8/2008	U.S. DISTRICT COURT Southern Iowa
PLAINTIFF The University of Iowa and The University of Iowa Research Foundation		DEFENDANT Amgen, Inc., Immunex Corp., Amgen USA Inc., Amgen Manufacturing, Limited and Immunex Rhode Island Corp.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,168,062	12/1/1992	See Attachments
2 5,385,839	1/31/1995	See Attachments
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK *Theresa E. Felt* (BY) DEPUTY CLERK *B. [Signature]* DATE **SEP 09 2008**

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

THE UNIVERSITY OF IOWA and
THE UNIVERSITY OF IOWA
RESEARCH FOUNDATION,

Plaintiffs

v.

AMGEN, INC., a Delaware
corporation; IMMUNEX
CORPORATION, a Washington
corporation; AMGEN USA INC., a
Delaware corporation; AMGEN
MANUFACTURING, LIMITED, a
Bermuda Corporation; and IMMUNEX
RHODE ISLAND CORPORATION, a
Delaware corporation,

Defendants

Civil Action No. _____

COMPLAINT AND JURY DEMAND

COMPLAINT

Plaintiffs, The University of Iowa (“University”) and The University of Iowa
Research Foundation (“UIRF” or, collectively with the University, as “IOWA”),
allege as their Complaint the following:

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent Nos. 5,168,062 (the “‘062” patent) and 5,285,839 (the “‘839 patent”). (The ‘062 patent and the ‘839 patent will be referred to collectively herein as the “Iowa Patents.”) The Iowa Patents are based on inventions of Mark Stinski, Ph.D., the University of Iowa’s Carver College of Medicine Distinguished Professor of Microbial Virology, who assigned the patents to UIRF.

2. The Iowa Patents are directed to what is commonly referred to as the “CMV Promoter,” which is a fundamental tool used in the biotech industry to enhance the manufacture of vaccines and therapeutics, many of which are the key compositions found in life-saving pharmaceuticals.

3. The Iowa Patents are important and successful. UIRF has granted 113 active licenses, including 13 royalty-bearing products, to the Iowa Patents allowing research institutions and commercial ventures to use the inventions, with the royalties received serving to help sustain the University and its community. However, the defendant Amgen, Inc. (“Amgen”), one of the largest biotech companies in the world, and its affiliates have for many years infringed the Iowa Patents with full knowledge of them.

4. Amgen infringes the Iowa Patents when, for example, but without limitation, it and its affiliates use the inventions to manufacture drugs such as its multi-billion dollar blockbuster drug Enbrel[®]. Despite diligent efforts by the Plaintiffs to persuade Amgen to respect the Iowa Patents, Amgen has refused to do so. Accordingly Plaintiffs have no choice but to bring this action for patent infringement.

THE PARTIES

5. The University is a state instrumentality of the State of Iowa and a public institution of higher education created by the Iowa legislature and located in Iowa City, Iowa.

6. UIRF is a 501(c)(3) corporation organized and existing under the laws of Iowa with its principal place of business at 2660 University Capitol Centre, Iowa City, Iowa 52242-5500. Although separately incorporated in 1975, the UIRF is an affiliated organization of the University and acts as an instrumentality of the University by performing functions that the University would itself ordinarily carry out. Specifically, the University has designated the UIRF as the owner of its patent rights and manager of its interests in qualifying inventions. Pursuant to this designation, the UIRF is organized and operates to support the research and

educational missions of the University by transferring University-invented technologies to the marketplace for the benefit of the University, its inventors, the State of Iowa, and society at large. Through the commercialization of University intellectual property and the formation of new business ventures to support those technologies, the UIRF also serves a key role in the University's efforts to support and enhance economic development in the State of Iowa.

7. Upon information and belief, Amgen is a corporation organized and existing under the laws of Delaware. Amgen maintains an office at One Amgen Center Drive, Thousand Oaks, California 91320-1799. Upon information and belief, Amgen is registered to do business in Iowa and has a registered agent or reserving party at 2222 Grand Avenue, Des Moines, Iowa 50312.

8. Upon information and belief, Immunex Corporation ("Immunex"), a wholly-owned subsidiary of Amgen, is organized and existing under the laws of the State of Washington with its principal place of business in Thousand Oaks, California. Upon information and belief, Immunex is registered to do business in Iowa and has a registered agent or reserving party at 2222 Grand Avenue, Des Moines, Iowa 50312.

9. Upon information and belief, Amgen USA Inc. ("Amgen USA"), an Amgen affiliate, is organized and existing under the laws of the State of Delaware

with its principal place of business in Thousand Oaks, California. Upon information and belief, Amgen USA is registered to do business in Iowa and has a registered agent or reserving party at 2222 Grand Avenue, Des Moines, Iowa 50312.

10. Upon information and belief, Amgen Manufacturing, Limited (“Amgen Mfg.”), an Amgen affiliate, is a company organized and existing under the laws of Bermuda with its principal place of business in Juncos, Puerto Rico.

11. Upon information and belief, Immunex Rhode Island Corporation (“Immunex R.I.”), an Amgen affiliate, is organized and existing under the laws of the State of Delaware with its principal place of business in West Greenwich, Rhode Island.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1338(a) because this is a case arising under the patent laws of the United States (35 U.S.C. § 1, *et seq.*, and particularly 35 U.S.C. § 271), as well as pursuant to 28 U.S.C. § 1331 because this matter involves a federal question.

13. Venue is proper in the Southern District of Iowa under 28 U.S.C. §§ 1391 and 1400(b).

14. This Court has personal jurisdiction over Defendants and this is the proper venue for this action because Defendants, individually and by virtue of joint and several cooperative activity, have solicited and transacted business within, negotiated with UIRF regarding the Iowa Patents, caused foreseeable injury within, and otherwise engaged in conduct both within and without the State of Iowa and the Southern District of Iowa sufficient to confer upon this Court the right and authority to exercise personal jurisdiction over these defendants consistent with principles of due process and to render this District the proper venue for this action.

THE PATENTS-IN-SUIT

15. On December 1, 1992, the United States Patent and Trademark Office duly and legally issued the '062 Patent, entitled "Transfer Vectors and Microorganisms Containing Human Cytomegalovirus Immediate-Early Promoter-Regulatory DNA Sequence" and naming Mark F. Stinski as inventor. UIRF is the owner of all right, title, and interest in and to the '062 Patent.

16. On January 31, 1995 the United States Patent and Trademark Office duly and legally issued the '839 Patent, entitled "Transfer Vectors and Microorganisms Containing Human Cytomegalovirus Immediate-Early

Promoter-Regulatory DNA Sequence” and naming Mark F. Stinski as inventor.

UIRF is the owner of all right, title, and interest in and to the ‘839 Patent.

FACTUAL ALLEGATIONS

17. The Iowa Patents represent important advances in biotechnology science and industry.

18. The Iowa Patents include biotechnology tools used to promote the expression of genes and production of proteins that are important in the production of many life saving protein-based drugs now on the market.

19. The pharmaceutical and biotechnology community, both commercial and academic, has wholeheartedly adopted and widely licensed the Iowa Patents.

20. The Iowa Patents have been a tremendous commercial success. UIRF has granted 113 active licenses, including 13 royalty-bearing products to the ‘062 and ‘839 Patents.

21. To date, Plaintiffs have received millions of dollars in licensing revenue resulting from licenses to the Iowa Patents.

22. Defendants, individually and jointly and severally, infringe the Iowa Patents directly and indirectly, when they, for example and without limitation to the proof of other infringing acts, illegally use the Iowa Patents to manufacture

pharmaceutical products including, without limitation, at least Enbrel[®] and Vectibix[™], that are sold in the United States and throughout the world.

23. Enbrel[®] (generic name: etanercept) is a human therapeutic product imported, manufactured, sold, and offered for sale by Defendants individually and jointly and severally.

24. Defendants, individually and jointly and severally, illegally use or contribute to the use or induce the use of compositions covered by one or more claims of the Iowa Patents to manufacture the pharmaceutical product Enbrel[®].

25. Vectibix[™] (generic name: panitumumab) is a human therapeutic product imported, manufactured, sold, and offered for sale by Defendants individually and jointly and severally.

26. Defendants, individually and jointly and severally, illegally use or contribute to the use or induce the use of compositions covered by one or more claims of the Iowa Patents to manufacture the pharmaceutical product Vectibix[™].

COUNT I

INFRINGEMENT OF U.S. PATENT NO 5,168,062

27. Plaintiffs repeat, reallege, and incorporate the foregoing allegations of paragraphs 1-26, as if set forth fully herein.

28. Defendants, individually and jointly and severally, have infringed, directly or indirectly, one or more claims of the '062 patent in violation of 35 U.S.C. §§ 271.

29. Upon information and belief, Defendants have knowledge of the '062 patent, and have not ceased their infringing activities. Defendants have willfully and deliberately, in disregard of Plaintiffs' lawful rights, infringed the '062 patent, rendering this case "exceptional" as that term is set forth in 35 U.S.C. § 285 and warranting an award of treble damages under 35 U.S.C. § 284.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 5,285,839

30. Plaintiffs repeat, reallege, and incorporate the allegations of paragraphs 1-29, as if set forth fully herein.

31. Defendants, individually and jointly and severally, have infringed, directly or indirectly, one or more claims of the '839 patent in violation of 35 U.S.C. §§ 271.

32. Upon information and belief, Defendants have knowledge of the '839 patent, and have not ceased their infringing activities. Defendants have willfully and deliberately, in disregard of Plaintiffs' lawful rights, infringed the '839 patent, rendering this case "exceptional" as that term is set forth in 35 U.S.C. § 285 and warranting an award of treble damages under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment:

- (a) That the Defendants, individually and jointly and severally, directly and indirectly infringe one or more claims of U.S. Patent No. 5,168,062;
- (b) That the Defendants, individually and jointly and severally, directly and indirectly infringe one or more claims of U.S. Patent No. 5,285,839;
- (c) That the Plaintiffs are entitled to monetary damages in an amount to be determined by the jury;

- (d) That the Defendants' illegal activities were willful, justifying enhanced damages;
- (e) That this case is exceptional, justifying an award to the Plaintiffs of attorneys' fees and costs incurred in this action, pursuant to 35 U.S.C. § 285;
- (f) Awarding Plaintiffs prejudgment interest and costs pursuant to 35 U.S.C. § 284; and
- (g) Granting Plaintiffs such other and further relief as the Court deems proper.

**PLAINTIFFS DEMAND TRIAL BY JURY ON ALL ISSUES TRIABLE BY
A JURY IN THIS CASE.**

Respectfully submitted, this day 8th day of September, 2008.

THOMAS J. MILLER
Attorney General of Iowa
/s/GEORGE A. CARROLL
GEORGE A. CARROLL – ATT0001493
Assistant Attorney General
george.carroll@iowa.gov
Hoover Building, Second Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Telephone: (515) 281-8330
Facsimile: (515) 281-7219

Pro hac vice applications filed simultaneously
with Complaint for:

Lawrence K. Nodine (lead attorney)
nodinel@ballardspahr.com
NEEDLE & ROSENBERG INTELLECTUAL
PROPERTY PRACTICE OF
BALLARD SPAHR ANDREWS & INGERSOLL LLP
999 Peachtree Street, NE, Suite 1000
Atlanta, Georgia 30309-3915
Telephone: (678) 420-9300
Facsimile: (678) 420-9301

Robert R. Baron, Jr.
baron@ballardspahr.com
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599
Telephone: (215) 665-8500
Facsimile: (215) 864-8999

Robin L. Gentry
gentryr@ballardspahr.com
Scott D. Marty
martys@ballardspahr.com
Rebecca C.E. McFadyen
mcfadyenr@ballardspahr.com
BALLARD SPAHR ANDREWS & INGERSOLL LLP
999 Peachtree Street, NE, Suite 1000
Atlanta, Georgia 30309-3915
Telephone: (678) 420-9300
Facsimile: (678) 420-9301

ATTORNEYS FOR PLAINTIFFS

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's Firm Name, Address, and Telephone Number _____

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Annuity <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395(i)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE _____

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**CIVIL COVER SHEET
ADDENDUM**

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

THE UNIVERSITY OF IOWA and THE UNIVERSITY OF IOWA
RESEARCH FOUNDATION v. AMGEN, INC., IMMUNEX
CORPORATION, AMGEN USA INC., AMGEN MANUFACTURING,
LIMITED, and IMMUNEX RHODE ISLAND CORPORATION

I.(c) Attorney's (Firm Name, Address, and Telephone Number)

Thomas J. Miller
Attorney General of Iowa
George A. Carroll
Assistant Attorney General
george.carroll@iowa.gov
Hoover Building, Second Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Telephone: (515) 281-8330
Facsimile: (515) 281-7219

Pro hac vice applications filed simultaneously with Complaint for:

Lawrence K. Nodine (lead attorney)
nodinel@ballardspahr.com
NEEDLE & ROSENBERG INTELLECTUAL PROPERTY PRACTICE OF
BALLARD SPAHR ANDREWS & INGERSOLL LLP
999 Peachtree Street, NE, Suite 1000
Atlanta, Georgia 30309-3915
Telephone: (678) 420-9300
Facsimile: (678) 420-9301

Robert R. Baron, Jr.

baron@ballardspahr.com

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103-7599

Telephone: (215) 665-8500

Facsimile: (215) 864-8999

Robin L. Gentry

gentryr@ballardspahr.com

Scott D. Marty

martys@ballardspahr.com

Rebecca C.E. McFadyen

mcfadyenr@ballardspahr.com

BALLARD SPAHR ANDREWS & INGERSOLL LLP

999 Peachtree Street, NE, Suite 1000

Atlanta, Georgia 30309-3915

Telephone: (678) 420-9300

Facsimile: (678) 420-9301

ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

THE UNIVERSITY OF IOWA and
THE UNIVERSITY OF IOWA
RESEARCH FOUNDATION,

Plaintiffs

v.

AMGEN, INC., a Delaware
corporation; IMMUNEX
CORPORATION, a Washington
corporation; AMGEN USA INC., a
Delaware corporation; AMGEN
MANUFACTURING, LIMITED, a
Bermuda Corporation; and
IMMUNEX RHODE ISLAND
CORPORATION, a Delaware
corporation,

Defendants

Civil Action No. 03:08-CV-112-JEG-TJS

NOTICE OF FILING OF PATENTS

PLAINTIFF'S NOTICE OF FILING OF PATENTS

Plaintiffs, The University of Iowa and The University of Iowa Research
Foundation respectfully submit copies of the asserted patents, namely U.S. Patent
Nos. 5,168,062 (Exhibit A) and 5,385,839 (Exhibit B).

Respectfully submitted, this day 8th day of September, 2008.

THOMAS J. MILLER
Attorney General of Iowa
/s/GEORGE A. CARROLL
GEORGE A. CARROLL – ATT0001493
Assistant Attorney General
george.carroll@iowa.gov
Hoover Building, Second Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Telephone: (515) 281-8330
Facsimile: (515) 281-7219

/s/Lawrence K. Nodine
Lawrence K. Nodine (lead attorney)
nodinel@ballardspahr.com
NEEDLE & ROSENBERG INTELLECTUAL
PROPERTY PRACTICE OF
BALLARD SPAHR ANDREWS & INGERSOLL LLP
999 Peachtree Street, NE, Suite 1000
Atlanta, Georgia 30309-3915
Telephone: (678) 420-9300
Facsimile: (678) 420-9301

Robert R. Baron, Jr.
baron@ballardspahr.com
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599
Telephone: (215) 665-8500
Facsimile: (215) 864-8999

Robin L. Gentry
gentryr@ballardspahr.com

Scott D. Marty
martys@ballardspahr.com

Rebecca C.E. McFadyen
mcfadyenr@ballardspahr.com

BALLARD SPAHR ANDREWS & INGERSOLL LLP

999 Peachtree Street, NE, Suite 1000

Atlanta, Georgia 30309-3915

Telephone: (678) 420-9300

Facsimile: (678) 420-9301

ATTORNEYS FOR PLAINTIFFS