

Madison, Wilton

18-01784-E

From: Mark Edwards <medwards@biosciadvisors.com>
Sent: Saturday, January 06, 2018 7:34 PM
To: foiapa
Subject: FOIA Request

I would like to request access to Exhibit 10.36 to the 12/31/08 10-K, filed by Poniard Pharmaceuticals, Inc. on 3/16/2009. Confidential treatment was sought as to certain portions when initially filed with the Commission.

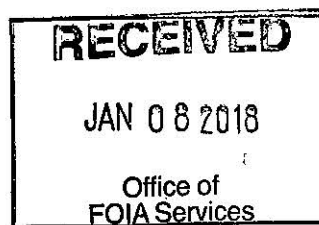
In the event that confidential treatment has not expired or has been extended, I further request that you send me the expiration date(s) from the relevant CT order(s) so I will know when I should resubmit my request.

I authorize up to \$61 in search and retrieval fees. Please send the exhibit(s) by PDF if possible.

Sincerely,

Mark

Mark G Edwards
Managing Director
Bioscience Advisors
2855 Mitchell Dr., Suite 103
Walnut Creek, CA 94598
medwards@biosciadvisors.com
925 954-1397





UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

February 1, 2018

Mr. Mark G. Edwards
Bioscience Advisors
2855 Mitchell Dr.
Suite 103
Walnut Creek, CA 94598

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 18-01784-E

Dear Mr. Edwards:

This letter is in response to your request, dated January 6, 2018 and received in this office on January 8, 2018, for access to Exhibit 10.36 to the December 31, 2008 10-K, filed by Poniard Pharmaceuticals, Inc. on March 16, 2009.

The search for responsive records has resulted in the retrieval of 15 pages of records that may be responsive to your request. They are being provided to you with this letter in their entirety.

As shown on the enclosed invoice, the processing fee is \$30.50 in accordance with our fee schedule. You may use our new [Online Payment](#) option to pay by debit or credit card. If paying by mail, checks or money orders should be made payable to the SEC and a copy of the invoice should be mailed to our new payment address: Enterprise Services Center, HQ Bldg, Room 181, AMZ-341, 6500 South MacArthur Boulevard, Oklahoma City, OK, 73169. Please refer to the following link for detailed instructions on how to remit payments. <http://www.sec.gov/about/offices/ofm.htm>

If you have any questions, please contact me at osbornes@sec.gov or (202) 551-8371. You may also contact me at foiapa@sec.gov or (202) 551-7900. You also have the right to seek assistance from Ray J. McInerney as a FOIA Public Liaison or contact the Office of Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or Archives.gov or via e-mail at ogis@nara.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sonja Osborne".

Sonja Osborne
FOIA Lead Research Specialist

Enclosures

*** Indicates confidential material that has been omitted pursuant to a Confidential Treatment Request filed with the Securities and Exchange Commission. A complete copy of this agreement has been separately filed with the Securities and Exchange Commission.

PRODUCT MASTER PLAN FOR Picoplatin Injection

This Product Master Plan to the CLINICAL and COMMERCIAL SUPPLY AGREEMENTS is between Poniard Pharmaceuticals Inc. having an office at 300 Elliott Ave. West, Suite 500, Seattle, WA 98119-4114, USA, as such term is defined herein ("PONIARD") and Baxter Oncology GmbH, with its principal place of business at Kantstr. 2, 33790 Halle / Westfalen, Germany, as such term is defined herein ("BAXTER").

RECITALS

PONIARD and BAXTER have concluded CLINICAL and COMMERCIAL SUPPLY AGREEMENT and a QUALITY AGREEMENT regarding the Production of the Products set forth in this Product Master Plan.

This Product Master Plan is concluded as an integral part of the CLINICAL and COMMERCIAL SUPPLY AGREEMENTS and the CLINICAL and COMMERCIAL QUALITY AGREEMENTS to define details for the production of Presentations of **Picoplatin Injection**.

This document is a living document. Any changes will be made in writing after discussion between the parties and mutual agreement of the changes. Any amendments have to be signed by the representatives of the technical team from both parties. Revisions to the pricing for ***1200L scale Development, Clinical, Validation and Commercial batches shall be subject to the appropriate sections of the COMMERCIAL SUPPLY AGREEMENT.

Version: No. 4

- Change Index:**
- Update of the chapter 'Recitals'
 - New responsibilities for signature at Poniard
 - Update of the chapter 'Presentations': ***Implementing additional product codes for semifinished and finished drug product, adding several new countries
 - Update of the chapter 'Product manufacturing': Adding of new documents, ***change of shipping temperatures
 - Update of the chapter 'Specifications': *** implementing of responsibilities, adding of several specifications, adding of packaging material, implementing a new table for labels
 - Update of the chapter 'Quality Control': *** Update on analytical methods, adding a section for WfI, update on documents for stability and studies
 - Update of the chapter 'Validation in Production':
 - Joining of the updated chapter 'Documentation' and the updated chapter 'Pricing and Production Schedule
 - Update of the table 'Contacts and Responsible Persons'

In witness whereof, the parties have caused this Product Master Plan to be signed by their duly authorized representatives.

“BAXTER”

By: /s/ Sven Remmerbach
Name: Sven Remmerbach, Ph.D.
Title: Associate Director Business
Development / Contract
Manufacturing
Date: October 10, 2008

“ BAXTER ”

By: /s/ Uwe Wolk
Name: Uwe Wölk, Ph.D:
Title: Manager Contract Manufacturing /
Process Transfer
Date: October 9, 2008

“PONIARD”

By: /s/ Alstair Leigh,
Name: Alistair Leigh, Ph.D.
Title: Sr. Director, Product Development
Date: October 17, 2008

“PONIARD”

By: /s/ Kevin Hovda
Name: Keith Hovda
Title: Director, Manufacturing
Date: October 20, 2008

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1 Presentations

<u>BAXTER ID#</u>	<u>Product Description</u>
<u>6457 0200</u>	Semi finished product <u>PICOPLATIN INJECTION 200ML</u> <u>200H IFL (500L)</u>
<u>6457 0260</u>	Semi finished product <u>PICOPLATIN INJECTION 200ML 200H IFL</u> <u>(1200L)</u>
<u>2457L0200</u>	Finished product with single labels <u>PICOPLATIN INJECTION 200ML</u> <u>0.5 MG/ML 6IFL RUSSIA</u>
<u>2457L0201</u>	Finished product with booklet labels <u>PICOPLATIN INJECTION 200ML</u> <u>0.5 MG/ML 6IFL EP</u>
<u>2457L0202</u>	Finished product with booklet and single labels <u>PICOPLATIN INJ. 200ML</u> <u>0.5 MG/ML 6IFL EP WEST</u>
<u>2457L0203</u>	Finished product with single panel labels <u>PICOPLATIN INJ. 200ML</u> <u>0.5MG/ML 6IFL USA</u>
<u>2457L0204</u>	Finished product with booklet labels <u>PICOPLATIN INJ. 200ML 0.5MG/ML 6IFL -</u> <u>EP/ROW</u>
<u>2457L0263</u>	Finished product with single panel labels <u>PICOPLATIN INJ. 200ML 0.5MG/ML 6IFL -</u> <u>USA-</u>
<u>2457L0264</u>	Finished product with booklet labels <u>PICOPLATIN INJ. 200ML 0.5MG/ML 6IFL -</u> <u>EP/ROW-</u>

BAXTER shall Produce Picoplatin Injection in accordance with cGMP for utilization in clinical trials conducted in the EU, Russia, Ukraine, Bosnia, Belarus, Croatia, Serbia, Montenegro, India, Argentina, Chile, Uruguay, US and Canada.

BAXTER shall Produce Picoplatin Injection in accordance with cGMP for commercial sale in the following countries: Argentina, Armenia, Aruba, Aserbaidshan, Australia, Austria, Bahrain, Bangladesh, Belgium, Belarus, Benin, Bolivia, Bosnia, Brazil, Canada, Chile, China, Czech Rep., Costa Rica, Croatia, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Greece, Germany, Guatemala, Honduras, Hong Kong, Hungary, India, Indonesia, Ireland, Iceland, Italy, Japan, Kamerun, Kazakhstan, Kirgistan, Kroatia, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Moldavia, Montenegro, Myanmar, New Zealand, Nicaragua, Netherlands, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia, Saudi Arabia, Serbia, South Korea, Sweden, Switzerland, Singapor, Slovakia, Slovenia, Spain, Sri Lanka, South Africa, Taiwan, Thailand, Trinidad, Turkey, Tunisia, Turkmenistan, Ukraine, Uzbekistan, Venezuela, United Arabian Emirates, UK, US, Uruguay Vietnam, Yemen

No Trademark has currently been registered, therefore the name "Picoplatin Injection" is to be used for the product until such time as a registered mark is available.

The product Picoplatin Injection shall be filled into ***200 mL molded glass vials with dark-grey stopper and flip-off cap with aluminum plastic crimping cap, silver/orange.

2 Product Manufacturing

2.1 Composition of compounding solution

<u>Ingredients</u>	<u>Amount per mL</u>
<u>Picoplatin API</u>	<u>0.5 mg</u>
<u>Sodium Chloride</u>	<u>9 mg</u>
<u>Water for injection</u>	<u>Add to 1 mL</u>

2.2 Manufacturing Instructions / Master Batch Record

<u>Document Code</u>	<u>Title</u>
<u>H PPA HA 19623</u>	<u>Picoplatin Injection 200 mL (500L)</u>
<u>H PPA HA 21585</u>	<u>Picoplatin Injection 200 mL (1200L)</u>

2.3 Packaging Master / Aufmachungsvorschrift

<u>Document Code</u>	<u>Title</u>
<u>HLCC AV 17519</u>	<u>PICOPLATIN INJECTION 200mL 0.5 mg/mL 6 vials / Injektionsflaschen 2457L0201 EP</u>
<u>HLCC AV 17553</u>	<u>PICOPLATIN INJECTION 200mL 0.5 mg/mL 6 vials / Injektionsflaschen 2457L0202_250907 EP WEST</u>
<u>HLCC AV 17588</u>	<u>PICOPLATIN INJECTION 200mL 0.5 mg/mL 6 Injektionsflaschen/vials 2457L0203_100308 USA</u>
<u>HLCC AV 17599</u>	<u>PICOPLATIN INJECTION 200mL 0.5 mg/mL 6 vials / Injektionsflaschen 2457L0204_280408 Export/Rest of the World (EP/ROW)</u>
<u>HLCC AV 17619</u>	<u>To be defined -USA-</u>
<u>HLCC AV 17620</u>	<u>PICOPLATIN INJECTION 200mL 0.5 mg/mL 6 Injektionsflaschen/vials 2457L0264_080808 Export/Rest of the World (EP/ROW)</u>

2.4 Storing / Shipping Conditions

<u>Material</u>	<u>Storage</u>	<u>Shipment</u>
<u>Picoplatin API</u>	<u>+ 15 to + 25 °C</u>	<u>+ 5 to + 40 °C</u>
<u>Sodium Chloride</u>	<u>+ 2 to + 25 °C</u>	<u>+ 2 to + 25 °C</u>
<u>Picoplatin Injection</u>	<u>+ 15 to + 25 °C</u>	<u>+ 15 to + 30 °C</u>

3 Specifications

3.1 API, supplied by PONIARD

<u>Material</u>	<u>PONIARD Document Code</u>	<u>BAXTER Material Number</u>	<u>BAXTER Document Code</u>	<u>Title</u>
<u>Picoplatin API</u>	10-501-387	1997 8044	H.QS.FS.21461	<u>Purchase and Release Specification Picoplatin Drug Substance - cis-ammine-dichloro (2-methylpridine) platinum (II)</u>

3.2 Excipient(s), supplied by BAXTER

<u>Material</u>	<u>BAXTER Material Number</u>	<u>BAXTER Document Code</u>	<u>Pharmacopoeia According to</u>
Sodium Chloride	1997 0169	19970169.F06BC160	EP/USP/IP

3.3 Packaging Material(s), supplied by BAXTER

<u>Material</u>	<u>BAXTER Material Number</u>	<u>BAXTER Document Code</u>	<u>Title</u>
<u>Vial</u>	5010 1070	H OK FS 11838	<u>Freigabespezifikation Injektionsflasche farblos 200 H/I</u>
<u>Amber Vial</u>	5010 1072	H OK FS 20760	<u>Release Specification Vial for Injection 200 mL (moulded glass DIN 200H/I amber)</u>
<u>Stopper</u>	5120 0133	H QK FS 11528	<u>Freigabespezifikation Injektions-stopfen S10-F451 D21-7 Daikyo</u>
<u>Seal/Orange Cap</u>	5120 1011	H QK FS 12150	<u>Release Specification Crimping Caps flip-off (Aluminium plastic crimping cap, Size 20 mm for injection vials)</u>
<u>Storage Boxes for Semi-Finished Product</u>	5870 0350	n/a	n/a
<u>Styrofoam box</u>	5870 0000	n/a	<u>(Description: Containment for one vial with a single panel label)</u>
<u>Styrofoam box</u>	5870 0001	n/a	<u>(Description: Containment for one vial with a booklet label)</u>
<u>Cardboard box</u>	5700 0310	00007604.I01BA394	<u>Freigabespezifikation Faltschachteln aus Karton</u>
<u>Corrugated cardboard</u>	5870 0260	n/a	<u>(Description: Filling part for shipping box)</u>
<u>Shipping box</u>	5870 0270	n/a	<u>(Description: Box for six packed vials)</u>

3.4 Clinical labels, supplied by PONIARD.

Responsibility for supply of commercial product labels to be determined.

<u>Material</u>	<u>BAXTER Material Number</u>	<u>Title</u>
<u>Booklet label vial/inner box</u>	<u>5545-7012</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label vial/inner box</u>	<u>5545-7013</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label shipping box</u>	<u>5545-7002</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label shipping box</u>	<u>5545-7003</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label shipping box</u>	<u>5545 7101</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label shipping box</u>	<u>5545 7111</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label vial/inner box</u>	<u>5545 7060</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label shipping box</u>	<u>5545 7070</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label vial/inner box</u>	<u>5545 7120</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label shipping box</u>	<u>5545 7130</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label vial/inner box</u>	<u>5545 7160</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Booklet label shipping box</u>	<u>5545 7170</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label vial/inner box</u>	<u>5545 7140</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>
<u>Single panel label shipping box</u>	<u>5545 7150</u>	<u>Supplier: Clintrak Clinical Labeling Services, LLC, US</u>

3.5 Drug Product Release Specification

<u>PONIARD Document Code</u>	<u>BAXTER Document Code</u>	<u>Title</u>
<u>10-501-394</u>	<u>H QK FS 19649e</u>	<u>Baxter: Picoplatin Injection 200 ml 0,5 mg/ml 6 IFL</u>

4 Quality Control

4.1 In Process Control

<u>Test</u>	<u>PONIARD Document Code or Pharmacopoeia</u>	<u>BAXTER Document Code or Pharmacopoeia</u>
<u>Appearance of solution</u>	N/A	N/A
<u>Assay (UV)</u>	N/A	H QK TM 19673e (See Section 4.5)
<u>Bioburden</u>	EP/USP	H QKM TM 19502e (See Section 4.6)
<u>Endotoxin</u>	EP/USP	H QKM TM 19504e (See Section 4.6)
<u>Fill volume</u>	N/A	H03 PPAV SO 12609
<u>Filter integrity test</u>	EP/USP	H PPI IA 13320 and H PPA KA 13322

4.2 Analytical Methods (API)

<u>Test</u>	<u>BAXTER Document Code</u>	<u>Title</u>
<u>Identity IR</u>	H QK TM 19648e	<u>Identity of Picoplatin API (NX 473) by IR spectroscopy</u>

4.3 Analytical Methods (Excipients)

<u>Tests for</u>	<u>Remark</u>
<u>Sodium Chloride</u>	<u>According to Release Specification: Freigabespezifikation Natriumchlorid (Ph. Eur./USP/JP)</u>

4.4 Analytical Methods (Water for Injection)

<u>Tests for</u>	<u>Remark</u>
<u>WFI</u>	<u>According to USP</u>

4.5 Analytical Methods (Drug Product)

<u>Test</u>	<u>BAXTER Document Code</u>	<u>Title</u>
HPLC	H QK VV 19535e	Validation Protocol HPLC Assay & Degradation Products 1 of NX 473 Drug Product (Picoplatin Solution for Injection)
	H QK VB 19819e	Validation Report HPLC Assay & Degradation Products 1 of NX 473 Drug Product (Picoplatin Solution for Injection)
	H QK TM 19536e	Test Method Identification, Assay & Degradation Products 1 of Picoplatin Injection 200mL 0.5mg/mL
HPLC	H QK VV 19537e	Validation Protocol HPLC Degradation Products 2 of NX 473 Drug Product (Picoplatin Solution for Injection)
	H QK VB 19823e	Validation Report HPLC Degradation Products 2 of NX 473 Drug Product (Picoplatin Solution for Injection)
	H QK VV 19538e	Test Method Degradation Products 2 of Picoplatin Injection 200mL 0.5mg/mL
UV Assay	H QK TM 19673e	Test Method UV In-process control on Assay of Picoplatin (NX 473) bulk solution
Particulate Matter	USP <788>	USP <788>
pH value	USP <791>	USP <791>

4.6 Microbiological Methods (Validation Protocols, Validation Reports and Testing Methods)

<u>Test</u>	<u>BAXTER Document Codes</u>
Bioburden	Validation Protocol – H QKM VV 19496e
	Validation Report – H QKM VB 19499e
	Testing Method – H QKM TM 19502e
Endotoxin (Kinetic turbidimetric method)	Validation Protocol – H QKM VV 19498e
	Validation Report – H QKM VB 19501e
	Testing Method – H QKM TM 19504e
Sterility	Validation Protocol – H QKM VV 19497e
	Validation Report – H QKM VB 19500e
	Testing Method – H QKM TM 19503e
Container closure integrity testing	Validation Protocol – H QKM VV 19581e
	Validation Report – H QKM VB 19791e
	Testing Method – H QKM TM 19792e

4.7 Stability Storage and Drug Product Development Studies

<u>BAXTER Document Code</u>	<u>Title</u>
<u>H QK SV 19674</u>	<u>Stability Protocol for Picoplatin Drug Product (Batch 6L001)</u>
<u>H QK SV 19811</u>	<u>Stability Protocol for Picoplatin Drug Product filled in amber vials (Batch 6L001)</u>
<u>H QK SV 20148</u>	<u>Stability Protocol for Picoplatin Drug Product (Batch 7C002)</u>
<u>H QK SV 20172</u>	<u>Stability Protocol for Picoplatin Drug Product for Batch 7D003</u>
<u>H QK SV 20171</u>	<u>Protocol for Storage of Picoplatin Drug Product samples for study on Extractables & Leachables from primary Packaging Material</u>
<u>H QK SV 20765</u>	<u>Stability Protocol Picoplatin Injection Drug Product Temperature Stability Study</u>
<u>H QK SV 20855</u>	<u>Stability Protocol Picoplatin Injection Drug Product – Protocol to Study the Effect of Temperature and Dissolved Gas on Picoplatin Drug Product</u>
<u>H QK SV 20620</u>	<u>Stability Protocol for Picoplatin Drug Product for Batch 7I004</u>
<u>H QK SV 20621</u>	<u>Stability Protocol for Picoplatin Drug Product filled in amber vials (Batch 7I004)</u>
<u>H QK SV 20764</u>	<u>Stability Protocol Picoplatin Injection Drug Product – Protocol to Study the Effect of Light Exposure during Manufacturing of Picoplatin Drug Product</u>
<u>H QKM TP 20811</u>	<u>Test Protocol Picoplatin Injection Drug Product Compounding Microbial Effect Study Protocol</u>
<u>H QKM UB 21012</u>	<u>Investigation Report Picoplatin Injection Drug Product Compounding Microbial Effect Study</u>
<u>H QK SV 21453</u>	<u>Stability Protocol for Picoplatin Drug Product for batch 8F005</u>

4.8 Retention Samples

Retention samples of the drug or finished product will be handled as described in the Master Batch Record or Sampling Plan and the retention samples of the excipients will be handled as described in the QUALITY AGREEMENT.

If changes are necessary, this will be mentioned in an amendment to this Product Master Plan.

5 Validation in Production

5.1 Cleaning validation

Cleaning validation is required if a multi purpose vessel will be used and if the product should be a new worst-case product. If the product is not a worst-case product, it will be implemented into the existing grouping. Based on the information Poniard has provided so far, a cleaning verification (*****performed by swabbing and a Picoplatin specific laboratory test at an external lab for Platinum traces**) has been performed for the compounding in the *****500L multi purpose vessel**. The assessment of these results led to the conclusion that *****no cleaning validation is needed**.

A cleaning validation for the compounding in the *****1200L multi purpose vessel** is necessary.

<u>BAXTER</u> <u>Document Code</u>	<u>Title</u>
<u>H PPVA VV</u> <u>21477e</u>	<u>Validation Protocol Cleaning Validation of Process Equipment for Production of Picoplatin Injection 200 mL</u>
<u>To be added when available</u>	<u>Report</u>

5.2 Process validation

<u>BAXTER</u> <u>Document Code</u>	<u>Title</u>
<u>To be added when available</u>	<u>Protocol</u>
<u>To be added when available</u>	<u>Report</u>

6 Batch Documentation, Pricing and Production Schedule

6.1 Batch Documentation

- Photocopy of the Released Executed Batch Record(s) to be available to PONIARD upon request within ***2 business days ***once PONIARD has certified BAXTER for batch record review. Prior to this ***certification by PONIARD, BAXTER will provide a photocopy of the Released Executed Batch Record(s) for each produced batch.
- Certificate of Analysis, to be provided by BAXTER to PONIARD for each produced batch.
- Certificate of Compliance, to be provided by BAXTER to PONIARD for each produced batch.

BAXTER shall maintain all of the production and testing records (raw data with respect to analytical measurements including microbiological analysis) for ***6 years. Details are regulated in the QUALITY AGREEMENT.

6.2 Purchase Price

<u>500L Clinical Scale: Feasibility / Clinical Batches</u>	
<u>Batch size</u>	<u>Batch Price (per batch)</u>
<u>Up to 2,500 vials (theoretical batch size)</u>	<u>135,000 Euro</u>

<u>1200L Scale Batches : Development, Clinical, Validation and Commercial batches</u>		
<u>Batch size</u>	<u>Number of batches</u>	<u>Batch Price (per batch)</u>
<u>Up to 5,700 vials (theoretical batch size)</u>	<u>At least 2</u>	<u>192,000 Euro</u>

Price Adjustment for Batches is described in the Commercial Supply Agreement

<u>Additional Activities related to 1200L Scale Batches</u>		
<u>Activity</u>	<u>Scope of Proposal #</u>	<u>Price (per batch)</u>
<u>Transfer Activities (Picoplatin-related)</u>	<u>as of July 09, 2007</u>	<u>18,000 Euro</u>
<u>Transfer Activities (not Picoplatin-related)</u>		<u>68,700 Euro</u>
<u>Packaging Activities (per batch)</u>		<u>17,800 Euro</u>
<u>Mixing and Holding Time study</u>	<u>As of May 26, 2008</u>	<u>72,870 Euro</u>

6.3 Value of the API

The value of the API is ***100 Euro per ***gram.

6.4 Production Schedule

PONIARD will provide BAXTER with purchase orders as set forth in the CLINICAL and COMMERCIAL SUPPLY AGREEMENTS.

6.5 Quality Assurance Audits

A charge of ***25,000 Euro (in words: ***twenty-five thousand Euro) for ***two days will be paid to BAXTER by PONIARD for quality assurance audits in excess of the number defined in the COMMERCIAL SUPPLY AGREEMENT, except in the case of "For Cause Audits".

6.6 Regulatory Authority Inspection Audits

A charge of ***15,000 Euro (in words: ***fifteen thousand) per day will be paid to BAXTER by PONIARD for Picoplatin Injection related regulatory authority inspections (FDA-PAI). In the event that the inspection is for more than one product, these fees will be pro-rated.

A charge ***175 Euro (in words ***one hundred and seventy-five) per hour will be paid to BAXTER for PONIARD requested regulatory support (per signed regulatory plan).

6.7 Batch Records Review

A charge of ***150 Euro (in words: ***one hundred and fifty) per hour will be paid to BAXTER for PONIARD requested revisions to Master Batch Records in excess of ***two per year.

6.8 Reservation Fees

In case of a change to or cancellation of a Firm Purchase Order, either upon PONIARD's request or due to delayed Component deliveries caused by PONIARD, BAXTER shall use its best efforts to find a replacement for the unused capacity. If Baxter is unable to find a replacement for the unused capacity, PONIARD will be charged ***half of the batch price to compensate BAXTER for any unused direct labor and unused other resources due to the change or cancellation.

6.9 Acceleration Fees

A charge of ***800 Euro (***eight hundred) will be paid to BAXTER for delivery dates of material supplied by Poniard (e.g. API) that are less than the required ***20 days before a reserved Picoplatin manufacturing date.

6.10 Extended Storage of Picoplatin Drug Product

A charge of ***100 Euro (***one hundred) per ***pallet per ***month will be paid to BAXTER for PONIARD requested storage of the Picoplatin Drug Product in the warehouse of BAXTER for more than ***thirty (***30) days after PONIARD's Quality Assurance release of Product.

The duration of the storage time that is free of charge is defined in the COMMERCIAL SUPPLY AGREEMENT.

7 Shipping Responsibilities

All shipping activities will be done under EX WORKS conditions according to the INCOTERMS 2000.

PONIARD will be responsible to assign the shipments with an international forwarding company and to organize the transportation from Baxter to the country and the company specified by PONIARD, which conducts or arranges the final packaging and labeling activities.

BAXTER will support these activities with information to the forwarding company and preparation of the products for transportation.

All shipping activities from Poniard or its designees to Baxter shall be done under DDP conditions according to the INCOTERMS 2000.

8 **Contacts and Responsible Persons**

BAXTER

Contacts	Name	Phone (Fax), email
Technical pharmaceutical questions	Uwe Woelk, Ph.D.	{telephone number and e-mail address} + 49 5201 711-1809 (1880) uwe_woelk@baxter.com
Technical pharmaceutical questions	Eckhard Fliegner	{telephone number and e-mail address} + 49 5201 711-1892 (1880) eckhard_fliegner@baxter.com
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Quality Assurance	Dietmar Hofmann, Ph.D.	{telephone number and e-mail address} + 49 5201 711 3489 (3480) dietmar_hofmann@baxter.com
Responsible persons	Name	Phone/Fax
Responsible for manufacturing	Olaf Reer, Ph.D.	{telephone number and e-mail address} + 49 5201 711 2330 (2546) olaf_reer @baxter.com
Responsible for Quality Control (= qualified person as referred to in Art. 48 ff. of EU Directive 2001/83)	Dietmar Hofmann, Ph.D.	{telephone number and e-mail address} + 49 5201 711 3489 (3480) dietmar_hofmann@baxter.com
Head of Quality Assurance		

PONIARD

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