



Amgen hereby provides notice of its intent to provide live counter testimony in response to Roche's deposition designations of Dr. Strickland. The Court has previously held that this procedure is acceptable:

“[I]f it's an Amgen person, we would like to put the person on, not just read other portions of the deposition. I like that. That makes good sense to me. ... Of course, you're limited to what they put on in the deposition as the scope of examination of adverse witnesses is always so limited. But I like that.”<sup>1</sup>

Amgen understands this procedure to allow the witness to testify live to lines of questioning that fall within the scope of the direct examination questions posed via deposition.

Amgen hereby withdraws its general objection to Roche's use of deposition testimony for Dr. Strickland. However, Amgen maintains its specific objections to particular testimony designated by Roche. Amgen also withdraws its counter-designations for Dr. Strickland. Amgen presumes that Roche will withdraw its counters to Amgen's counter-designations as well, and will provide Roche with a revised copy of the 3/9/07 Strickland transcript for Roche's review. After receiving approval from Roche on this revised transcript, Amgen will provide a copy to the Court.

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<sup>1</sup> 09/04/07 Trial Tr. at 27:18 – 28:7.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ Michael R. Gottfried

Michael R. Gottfried