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September 8, 2006

Lloyd R. Day  
Day Casebeer Madrid & Batchelder LLP  
20300 Stevens Creek Blvd. - Suite 400  
Cupertino, CA 95014

Re: Amgen v. Roche

Dear Rusty:

We have considered your suggestion that Roche join Amgen in requesting a status conference with the Court. On balance, we believe that such a request would be presumptuous and a conference would be a waste of judicial resources, so we must decline your invitation.

As you know, the Court is extremely familiar with the issues relating to the motion to dismiss, including any supposed dates which Amgen argues are relevant. The Court also has been diligent in reviewing the parties' motions to file under seal various documents from the ITC. To us the fact that the Court has not requested further input from the parties simply means that the Court is deciding the pending motions.

We are confident that the Court will let us know when it has rendered a decision or if it needs other information. Therefore, seeking a status conference seems to serve no useful purpose.

If you choose to make a motion notwithstanding our views, I would appreciate it if you would submit the letter as expressing our position.

Very truly yours,



Leora Ben-Ami

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