

KAYE SCHOLER LLP

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September 27, 2007

Honorable William G. Young
District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: Amgen Inc. v. F. Hoffmann-La Roche et. al., No. : 05-CV-12237 WGY

Your Honor:

The agreement as to trial exchanges is as follows:

“By 5 PM two (2) days before a party expects that it may call a witness live at trial, the party that may call that witness will identify that witness by name to the opposing party (e.g., if Roche may call Dr. Lin to testify on September 6, they will indicate this in a letter to Amgen by 5 PM on September 4.

By 5 PM the day before a party may call a witness live, other than for an adverse witness, that party will provide to the opposing party the name of the witness who may testify, identify the exhibit numbers/letters of any exhibits that may be used with that witness, and provide color copies of any demonstratives that may be used with that witness, and exchange or make available for inspection physical exhibits and photographs that may be used with that witness. A meet and confer as practical will take place later that day, and in the absence of another time being identified, 9 PM was discussed.”

Respectfully submitted,

/s/ Thomas Fleming

Thomas F. Fleming

TFF/jlm

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cc: Leora Ben-Ami
Patricia Carson
Julia Huston
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