

EXHIBIT C



"DuBord Brown, Renee"
<rbrown@daycasebeer.com>

09/27/2007 01:04 PM

To "Thomas Fleming" <TFleming@kayescholer.com>; "Curto, Daniel A." <dcurto@mwe.com>
cc <BBorel@kayescholer.com>; <cjensen@bromsun.com>; <dbaker@kayescholer.com>; <DLopez@kayescholer.com>; <hsuh@kayescholer.com>; <jhuston@bromsun.com>;
bcc

Subject RE: USDC - Brown to Fleming enclosing Amgen's witness disclosures for Sept. 28 (9-26-07)

History: This message has been forwarded.

Dear Tom,

We do not understand your basis for requesting a deposition of Mr. Kung. Amgen will not agree.

From: Thomas Fleming [mailto:TFleming@kayescholer.com]
Sent: Wednesday, September 26, 2007 6:07 PM
To: DuBord Brown, Renee; Curto, Daniel A.
Cc: BBorel@kayescholer.com; cjensen@bromsun.com; dbaker@kayescholer.com; DLopez@kayescholer.com; hsuh@kayescholer.com; jhuston@bromsun.com; Peter Fratangelo
Subject: Re: USDC - Brown to Fleming enclosing Amgen's witness disclosures for Sept. 28 (9-26-07)

Dear Renee: In Amgen's Second Supplemental Rule 26 disclosures dated May 7, 2007 (over 1 month after close of fact discovery), Charles Kung was listed under both "Urinary Erythropoietin" and "State of the Erythropoietin Art as of the Date of Lin's Inventions." He was just listed by name with no address provided. We want a deposition of Mr. Kung before he testifies. If Amgen refuses, we will move to preclude Mr. Kung's testimony. We are prepared to take his deposition starting anytime tomorrow after 2:30pm. Please advise as to his availability.

Thank You,

Tom Fleming
tfleming@kayescholer.com
212-836-7515

"Platt, Rachelle L."
<rplatt@daycasebeer.com>

09/26/2007 05:04 PM

To <TFleming@kayescholer.com>
cc <DLopez@kayescholer.com>; <BBorel@kayescholer.com>; <dbaker@kayescholer.com>; <hsuh@kayescholer.com>; <jhuston@bromsun.com>; <cjensen@bromsun.com>
Sub USDC - Brown to Fleming enclosing Amgen's witness disclosures for Sept. 28 (9-26-07)
ject

Please see attached correspondence. Thank you.

<<USDC - Brown to Fleming enclosing Amgen's witness disclosures for Sept. 28 (9-26-07).PDF>>

Rachelle Platt
Day Casebeer Madrid & Batchelder LLP
Tel. (408) 569-6846
rplatt@daycasebeer.com

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

* * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department regulations, we inform you that any U.S. federal tax advice contained in this correspondence (including any attachments) is not intended or written to be used, and cannot be used for the purpose of (i) avoiding penalties that may be imposed under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

