

EXHIBIT D

DAY CASEBEER  
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January 31, 2007

VIA EMAIL & FACSIMILE

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**Re: *Amgen Inc. v. F. Hoffmann LaRoche Ltd., et al.***  
**Civil Action. No. 05-CV-12237 (WGY)**

Dear Julia:

By this letter, the parties agree to the following process for the submission of confidential documents to the Court. In the summary below, the party who is filing a motion or pleading with the Court in the first instance is called the "Moving Party" and the party whose confidential material is subject to submission with the Court is called the "Supplying Party."

1. Before filing any motion or pleading with the Court, as an aspirational goal, but not as a requirement, the Moving Party will make an effort to identify the confidential documents that it intends to file and to reach agreement with the Supplying Party regarding the confidentiality of such documents with the goal being to facilitate the filing in the public record of documents as to which there is no genuine dispute. No party shall cite another party's alleged failure to comply with this paragraph in any communications with the Court.

2. The Moving Party will file a redacted version of the motion or pleading itself and all non-confidential exhibits with the Court in the public docket and will refer to the confidential documents by exhibit or production number in the redacted pleading. At the same time, the Moving Party will deliver to Judge Young's clerk for *in camera* review a sealed envelope containing all confidential documents that are referred to in a motion (on which an agreement was not reached), opposition or supporting paper. The Moving Party shall serve a copy of the *in camera* submission upon counsel for the Supplying Party, the service of which will trigger the briefing schedule as set forth herein. The Court will issue a receipt to the Moving Party acknowledging receipt of the materials *in camera*. The Moving Party will file a Notice of Service of the confidential documents in the public docket.

3. Both the cover letter to the Court that accompanies the sealed envelope and the cover sheet to the sealed envelope will contain a legend that, pursuant to the protective order, the Supplying Party therein has four (4) Court days to file either a motion, supported by a

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particularized affidavit(s), as to why the information is confidential trade secret material or to consent to filing the information in the public record, and that the Moving Party has two (2) Court days thereafter in which to oppose any such motion to treat the information as confidential trade secret information.

4. After the Court rules on the motion to treat as trade secret, the Moving Party will promptly notify counsel for the Supplying Party of the ruling (including by providing copies of the Court's handwritten notations on the *in camera* documents, if any), unless it is readily apparent that the Court has already notified counsel for the Supplying Party. The Moving Party shall thereafter file the documents in question and revised pleadings, as necessary, as ordered by the Court, subject to the following paragraph.


5. In the event that the Court rules on the trade secret status of a particular document before the 4-day time period has passed for the Supplying Party to file a motion to treat such document as confidential trade secret material, the Supplying Party may make a motion to stay the document being filed in the public record pending a Motion for Reconsideration by the Supplying Party. The Moving party shall assent to the Supplying Party's motion to stay, to the extent of the time remaining in the original 4-day period. The Supplying Party shall file its Motion for Reconsideration within the remaining time under ¶ 3 above for the Supplying Party to file a motion to treat as trade secret material, unless further time is permitted by the Court. The Moving Party shall have two (2) Court days to oppose the motion for reconsideration. In addition, the Moving Party shall not file the allegedly trade secret documents at issue (including an unredacted version of its motion papers) until the Court rules on a Motion for Reconsideration by the Supplying Party submitted within the remaining time. By way of example, if the Court acted without the filing of a motion within two (2) Court days, a Supplying Party would need to file its motion for reconsideration in the remaining two (2) Court days and the Moving Party would agree to refrain from filing a public version of its motion and exhibits until the Court rules on such Motion for Reconsideration.


DEFENDANT, F. HOFFMANN-LA ROCHE  
LTD., ROCHE DIAGNOSTICS GMBH, AND  
HOFFMAN-LA ROCHE INC.

PLAINTIFF AMGEN INC.

By their attorneys,

By its attorneys,

  
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