

## **EXHIBIT 10**

## **Morgan & Finnegan, L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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June 1, 2006

### **BY HAND DELIVERY**

Cecilia H. Gonzales, Esq.  
Howrey LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004

Re: CERTAIN PRODUCTS AND PHARMACEUTICAL COMPOSITIONS  
CONTAINING RECOMBINANT HUMAN ERYTHROPOIETIN,  
Investigation No. 337-TA-568

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Dear Cecilia:

This is to confirm the agreement reached by outside counsel for Roche and outside counsel for Amgen regarding the confidentiality of the Roche Biological License Application ("BLA") and the IND. This agreement is a side agreement to the Protective Order in the above-captioned investigation to provide additional protection for the BLA and IND. We have agreed that:

- (1) Roche to produce one paper copy of the subject INDs and BLA,
- (2) Roche to produce 10 electronically searchable CD copies of the INDs and BLA (which Amgen's counsel will not electronically reproduce),
- (3) the CD's and single hard copy will be maintained by outside counsel in a locked room and a log will be maintained to identify each person who has been given access to the materials,
- (4) the CDs will be reviewed on stand-alone, non-networked computers, and
- (5) individuals qualified under the Protective Order now in place may access and use the information contained in Roche's INDs and BLA subject to the provisions and restrictions of the Order.

Letter to Cecilia H. Gonzalez, Esq.  
June 1, 2006  
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We are preparing the paper copy and will have a copy as soon as possible given capacity. Also, this is to confirm that while the searchable copies are being made, Roche will produce five of the electronic copies previously made in tiff format. These five copies will not be electronically copied and will be promptly returned to Roche when the searchable copies are delivered.

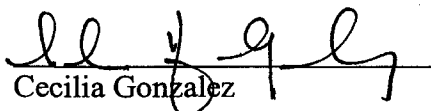
Please confirm.

Sincerely

A handwritten signature in black ink, appearing to be 'KRS', written over a horizontal line.

Kent Stevens, Esq.

Agreed on this 1 day of June, 2006:

A handwritten signature in black ink, appearing to be 'C. Gonzalez', written over a horizontal line.  
Cecilia Gonzalez

cc: Lloyd R. Day, Jr. Esq.  
Anne Goalwin, Esq.  
Leora Ben-Ami, Esq.

KRS:rxp