

EXHIBIT 10

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)	
)	
Plaintiff,)	Civil Action
)	No. 97-10814-WGY
)	
v.)	
)	
HOECHST MARION ROUSSEL, INC.)	
and)	
TRANSKARYOTIC THERAPIES, INC.,)	
)	
Defendants.)	

JOINT MOTION TO AMEND STIPULATED PROTECTIVE ORDER

The parties hereby jointly move the Court to enter the First Amendment to the Stipulated Protective Order.

The amendment is necessary to provide a second level of confidentiality to certain documents and things to be produced by Lonza Biologics, Inc., a third party to this action, pursuant to subpoena.

Attached as Exhibit A for filing and execution by the Court is a duly executed First Amendment to Stipulated Protective Order.

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Dated: November 4, 1999

For the plaintiff AMGEN INC.

By: *Craig H. Casebeer*

Craig H. Casebeer
Christopher E. Stretch
DAY CASEBEER MADRID
& BATCHELDER
20400 Stevens Creek Blvd., Suite 750
Cupertino, CA 95014
(408) 255-3255

Dated: November 3, 1999

For Defendants, HOECHST MARION ROUSSEL,
INC. and TRANSKARYOTIC THERAPIES, INC.

By: *Herbert F. Schwartz (by Doyle J. G. Holt)*

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Exchange Place
53 State Street
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail hand on November 5, 1999

[Signature]

Exhibit A



CEED PAPER
LAME

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AM-ITC 00823861

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)	
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Plaintiff,)	Civil Action
)	No. 97-10814-WGY
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HOECHST MARION ROUSSEL, INC.)	
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TRANSKARYOTIC THERAPIES, INC.,)	
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FIRST AMENDMENT TO STIPULATED PROTECTIVE ORDER

On September 3, 1997, Amgen Inc., Hoechst Marion Roussel Inc., and Transkaryotic Therapies, Inc. (hereinafter "the Parties") entered into a Stipulated Protective Order. It appearing that certain information, documents, and things of Lonza Biologics Inc. (hereinafter "Lonza"), a third-party to this action, may be claimed to be or contain trade secret or other confidential research, development or commercial information (hereinafter referred to as "CONFIDENTIAL INFORMATION"), and that certain information, documents, and things of Lonza, relating to its proprietary cell culture media and cell bank samples may be claimed to be or contain trade secret or other highly confidential research, development or commercial information (hereinafter referred to as "HIGHLY CONFIDENTIAL INFORMATION"), the Parties and Lonza hereby agree that the following FIRST AMENDMENT TO STIPULATED

PROTECTIVE ORDER be entered to provide access by the Parties to such CONFIDENTIAL and HIGHLY CONFIDENTIAL information, subject to the provisions hereafter set forth.

IT IS HEREBY ORDERED:

1. This FIRST AMENDMENT TO STIPULATED PROTECTIVE ORDER shall apply to all CONFIDENTIAL and HIGHLY CONFIDENTIAL information, documents and things produced by Lonza pursuant to subpoena in this action. All such CONFIDENTIAL or HIGHLY CONFIDENTIAL information produced for inspection or produced by providing copies, shall bear an identifying number on each page or on each thing produced. Information, documents and things produced by Lonza and as to which confidentiality is asserted, upon designation with a "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" legend, shall be treated pursuant to the provisions of this FIRST AMENDMENT TO STIPULATED PROTECTIVE ORDER.

2. Documents and other materials shall be designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" prior to production by labeling such documents and materials in a visible manner with the "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" legend. If Lonza thereafter determines that it inadvertently failed to designate materials as CONFIDENTIAL or HIGHLY CONFIDENTIAL, it may do so by giving notice to all parties, who shall thereafter treat the materials pursuant to the provisions of this Order.

3. Access to all materials designated with the CONFIDENTIAL legend, and disclosure of the information contained in such materials, shall be restricted in accordance with paragraph 4 of the STIPULATED PROTECTIVE ORDER.

4. Access to all materials designated with the HIGHLY CONFIDENTIAL legend, and disclosure of the information contained in such materials, shall be restricted solely to:

(a) the attorneys and agents working on this action in the law firms representing the parties as outside counsel (and their necessary staff and assistants);

(b) no more than five in-house attorneys for plaintiff Amgen, four for defendant Hoechst Marion Roussel, and one for defendant Transkaryotic Therapies (and their necessary staff and assistants);

(c) independent experts (and their necessary staff and assistants) retained specifically for this action as consulting or testifying experts and who have signed the agreement contemplated by paragraph 6 of the STIPULATED PROTECTIVE ORDER;

(d) the Court and its personnel;

(e) court reporters and translators.


5. Any material designated with the CONFIDENTIAL or HIGHLY CONFIDENTIAL legend and the information contained in such material (including extracts and summaries derived from such material) shall not be revealed to anyone other than those encompassed by paragraphs 3 and 4 above unless Lonza assents in writing to the disclosure or unless the Court otherwise directs.

6. All CONFIDENTIAL or HIGHLY CONFIDENTIAL information, documents or things produced by Lonza shall be used by the Parties solely for the

preparation of this lawsuit and for no other purpose. In no event shall any of the Parties use any CONFIDENTIAL or HIGHLY CONFIDENTIAL information for any purpose relating to the prosecution of any patent application or any request for similar rights in any county of the world.

Dated: November 4, 1999

For the plaintiff AMGEN INC.

By: 

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Dated: November 3, 1999

For Defendants, HOECHST MARION ROUSSEL,
INC. and TRANSKARYOTIC THERAPIES, INC.

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ORDERED THIS ____ day of _____, 1999

William G. Young
United States District Judge