

EXHIBIT 5

DAY CASEBEER
MADRID & BATCHELDER LLP

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January 18, 2007

VIA EMAIL & FACSIMILE

Patricia A. Carson, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022-3598

Re: *Amgen Inc. v. F. Hoffmann-La Roche Ltd., et al. (05-CV-12237WGY)*

Dear Pat:

I write in response to your letter dated January 16. We view your demand for an additional 30 days to respond to Amgen's Requests for Admission as both unnecessary and unreasonable. You have had Amgen's Requests for Admission since November 17, 2006. You agreed to supplement your responses once Amgen supplied definitions for certain terms that you contended were claim terms that required definition. Amgen supplied those definitions in the form of its Interrogatory Responses, which you have had since January 9. Please let us know by the end of the day tomorrow, January 19, whether you will agree to supplement your responses to Amgen's Requests for Admission and, if so, please identify with particularity those Requests for Admission that you will agree to supplement.

If Roche is willing to supplement its responses in light of Amgen's supplied constructions for various claim terms, consistent with your previous representation, I am available to discuss with you a reasonable schedule for such supplementation. In light of the two months Roche has already had to respond to Amgen's Requests for Admission coupled with Amgen meeting and conferring for the past month or more to provide on-going clarification and even additional extensions to Roche, postponing your supplementation by another 30 days appears to be an unnecessary delay tactic. Assuming that any agreement by Roche to supplement its Responses to Amgen's Requests for Admission is in good faith, I am certain that we can reach mutual agreement on a prompt schedule for such supplementation.

DAY CASEBEER
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Patricia A. Carson
January 18, 2007
Page 2

I look forward to hearing from you.

Sincerely,

DAY CASEBEER
MADRID & BATCHELDER LLP

A handwritten signature in black ink that reads "Krista Carter" followed by a stylized flourish or initials "par".

Krista M. Carter

KMC:par

cc: Howard Suh
Thomas F. Fleming
Michele Moreland
Mark Izraelewicz