

Exhibit 12

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VIA EMAIL & FAX

Krista Carter, Esq.
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Re: Amgen, Inc. v. F. Hoffmann-La Roche, Ltd., et al.

Dear Krista:

I write in response to your letter faxed to my attention Friday evening, February 9th and your e-mail of earlier that day regarding Roche's responses to Amgen's requests for admission 3-18.

In your e-mail you threatened to file a motion unless Roche "is willing to admit Amgen's Request for Admission Nos. 3-18." Your e-mail provided a deadline less than two hours from the time of receipt. My e-mail response on February 9th noted that Amgen had tied its demand for supplementation to Amgen's interrogatory responses (in particular Amgen's claim definitions) and that the parties had agreed to exchange supplemental responses that day. I therefore agreed that Roche would be willing to further supplement its responses to Amgen's requests for admission if Amgen provided meaningful supplementation to its interrogatory responses. I also pointed out that providing us with less than two hours notice was not in good faith and constitutes harassment.

Your letter faxed to my attention on Friday evening extends the time for Roche to comply with Amgen's demand that it "admit Requests Nos. 3-18" until "noon (EST), Monday." I have now reviewed the supplementation that Amgen provided for its interrogatory responses on Saturday night, the day after the agreed-upon exchange date. Amgen has not supplemented its

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proposed claim construction. Therefore, Roche is not in a position to evaluate whether it can comply with Amgen's demands. As we have explained to you in the past and through our objections, Amgen's requests are premature in advance of claim construction and expert discovery. If Amgen wishes to reasonably discuss setting a date certain for supplementation after claim construction and expert discovery, please let me know.

Very truly yours,



Patricia Carson

cc: Thomas F. Fleming, Esq.
Howard S. Suh, Esq.
Julia Huston, Esq.
Patricia R. Rich