

Exhibit 10

DAY CASEBEER
MADRID & BATCHELDER LLP

20300 Stevens Creek Blvd., Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

Deborah E. Fishman
(408) 342-4587
dfishman@daycasebeer.com

February 7, 2007

VIA FACSIMILE & U.S. MAIL

CONFIDENTIAL
CONTAINS ROCHE DISCOVERY MATERIAL

Thomas F. Fleming
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 Tom:

Our ongoing review of Roche's document production continues to reveal that a number of documents, models, algorithms, analyses, and predictions highly relevant to Roche's pricing, reimbursement, market share, sales and customer information have been omitted from Roche's production thus far.

First, in spite of an ongoing relationship with Datamonitor, Roche's production is devoid of complete, responsive documents, models and forecasts authored by, or in conjunction with Datamonitor. By way of example, a Roche email refers to a number of relevant Datamonitor reports and "PharmaVitae," yet these documents have not been produced. (*See, e.g.*, R000948773). The referenced email included an attachment, yet Roche omitted the attachment from its production. As an additional example, like many other relevant documents from 2006, Datamonitor's "Commercial Perspectives: Drug Treatment in End-Stage Renal Disease - The Price of Failure" has not been produced to date.

Second, Roche documents indicate the development and use of an internal or custom-produced Dialysis Database. (*See, e.g.*, R000258333). To date, however, this database has not been produced by Roche.

Third, Roche documents are replete with references to a "forecast model." (*See, e.g.*, R000176736; R000026826). This model, however, has not been produced.

Fourth, Roche has not produced the "Economic Model of WAC Impact on ASP Timeline," nor the assumptions, predictions, analyses, and forecasts and reports related to such model. (*See, e.g.*, R001499502).

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Fifth, the 5/23/06 Mircera Plan of Action (*see* R001517701) references a number of highly relevant documents regarding planning and marketing, including issues directly related to the public interest, which have not been produced, including without limitation:

- Marketing Plan (*see* R001517707, listing deadline for completion of 5/31/06)
- Staffing Plan (*see* R001517707, listing deadline for completion of 10/31/06)
- Reimbursement Policy & Plan (*see* R001517707 listing deadline for completion of 5/31/06)
- Pricing & Contracting Plan (*see* R001517707 listing deadline for completion of 11/30/06)
- Associations & Stakeholders Partnership Plan, specifically requested in the ITC proceeding and never produced by Roche (*see* R001517707, listing deadline for completion of 3/31/06)

Likewise, the MIRCERA NAOC 2006 Briefings, to the extent they differ from the above-listed items, should be produced immediately. (*See* R001517709) At minimum, the following should be produced:

- Staffing Update (8/15/06)
- Training Update (8/15/06)
- Alternative M1 (8/15/06)
- Meetings Update (10/17/06)
- Professional/Promotional Creative Review (10/17/06)

The 5/23/06 Mircera Plan of Action also references several facially-relevant "Policy Tools," purportedly used for reimbursement modeling purposes, which have not been produced (*see* R001517801-02):

- Key CMS Contacts for CERA Payment
- Physician Office Payment Rates
- Reference Pricing by Arnold & Porter
- Strategic Overview of Health Economics and Outcome Research Studies for CERA ("Gap Analysis")

The 5/23/06 Mircera Plan of Action also indicates that an updated Plan of Action is scheduled for completion by February 13, 2007. (*See* R001517709). Please produce this revised Plan of Action immediately upon completion, and provide any drafts, analyses or discussions that are already in existence.

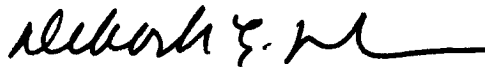
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Roche's claim that an injunction barring the sale of peg-EPO would disserve the public interest renders the above-referenced items highly relevant. Please immediately produce the above referenced items, including any associated models, algorithms, analyses, predictions, assumptions and reports. If you contend that these items have been produced, please provide the relevant production numbers for the responsive materials.

Very truly yours,

DAY CASEBEER
MADRID & BATCHELDER LLP



Deborah E. Fishman

DEF:rlp

cc: Howard Suh, Esq.
Peter Fratangelo, Esq.
Michele Moreland, Esq.
Mark Israelewicz, Esq.