

Exhibit 11

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February 22, 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-12237 WGY)*

Dear Pat:

I write in response to your letter to me of earlier today. Amgen has been negotiating with Roche in good faith for several weeks now to obtain the discovery regarding Roche's EPO-producing cell line that Amgen is entitled to, and indeed was ordered by the Court. Amgen does not believe that further negotiation is productive but instead that it is only delaying resolution of this issue and further prejudicing Amgen's ability to adduce this evidence of infringement.

By entering into the stipulation, Amgen is foregoing discovery of Roche's cell line to which it is entitled by court order. The stipulation preserves Roche's ability to make whatever arguments it so chooses regarding the alleged invalidity of the asserted claims and should be accepted by Roche. Likewise, Amgen will preserve its ability to make whatever arguments it so chooses and the stipulation speaks for itself. Therefore, please either agree to the attached stipulation or agree to produce within 5 business days Roche's EPO-producing cell line, subject the Amgen's proposed use and handling restrictions. If Roche refuses to do so, Amgen will seek relief from the Court.

I look forward to speaking to you on this issue during our scheduled call tomorrow morning.

Sincerely,

DAY CASEBEER
MADRID & BATCHELDER LLP



Krista M. Carter

Enclosure

cc: Howard Suh, Esq.
Thomas Fleming, Esq.
Michele Moreland, Esq.
Mark Izraelewicz, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN-LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	

JOINT STIPULATION REGARDING PRODUCTION OF ROCHE’S CELL LINE

The parties to this action, by and through their counsel, stipulate and agree to the following:

1. In lieu of producing its production cell line DN2-3a3 in accordance with the Court’s order of January 23, 2007, and without waiving its right to assert that the claims of U.S. Patent No. 5,756,349 are invalid on any ground, Roche stipulates that its DN2-3a3 cells are “capable upon growth in culture of producing erythropoietin in the medium of their growth in excess of 1000 U of erythropoietin per 10⁶ cells in 48 hours as determined by radioimmunoassay.”
2. In exchange for this stipulation, Amgen agrees to withdraw its motion to compel production of Roche’s cell lines and to withdraw its requests for production on Roche’s cell lines. Likewise, in exchange for this stipulation, Roche agrees to withdraw its requests for production of any of Amgen’s cell lines.
3. In the event that either party advances a new argument regarding its cell line that requires testing or analysis of the other party’s cell line to meet or rebut such argument, each party reserves its right to renew its request for the other party’s cell line.

Dated: February 22, 2007

DEFENDANT, F. HOFFMANN-LA ROCHE
LTD., ROCHE DIAGNOSTICS GMBH, AND
HOFFMAN-LA ROCHE INC.

By their attorneys,

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Respectfully Submitted,
AMGEN INC.,
By its attorneys,

PLAINTIFF AMGEN INC.

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on February 15, 2007.

/s/ Michael R. Gottfried
Michael R. Gottfried