

EXHIBIT 4

DAY CASEBEER
MADRID & BATCHELDER LLP

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

Krista M. Carter
(408) 342-4534
kcarter@daycasebeer.com

February 15, 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 regarding our recent discussions to reach a stipulation regarding Roche's cell line. Your proposed stipulation of February 13 is drastically different in substance and spirit than the agreement the parties have been negotiating and contemplating. As an alternative, I have attached the stipulation Amgen is prepared to accept. Please let me know by the end of the day tomorrow, February 16, whether Roche will also agree to the attached stipulation.

In addition, if Roche believes it has produced documents sufficient to show the EPO production values of its DN2-3a3 cell line as measured by RIA, please indicate where in Roche's production these documents may be found. We have looked for the responsive documents and have been unable to locate them.

I look forward to hearing from you.

Sincerely,

DAY CASEBEER
MADRID & BATCHELDER LLP



Krista M. Carter

Enclos.

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

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 05-12237 WGY
)	
)	
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 the other party’s cell line.

Dated: February 15, 2007

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

By their attorneys,

Lee Carl Bromberg (BBO# 058480)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO#663369)
Nicole A. Rizza (BBO# 663853)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292

Leora Ben-Ami (*pro hac vice*)
Mark S. Popofsky (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, NY 10022
Tel. (212) 836-8000

Respectfully Submitted,
AMGEN INC.,
By its attorneys,

PLAINTIFF AMGEN INC.

By its attorneys,

D. Dennis Allegretti (BBO#545511)
Michael R. Gottfried (BBO# 542156)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: (617) 289-9200
Facsimile: (617) 289-9201

Lloyd R. Day, Jr. (*pro hac vice*)
Linda A. Sasaki-Baxley (*pro hac vice*)
Deborah E. Fishman (*pro hac vice*)
DAY CASEBEER MADRID &
BATCHELDER LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

William G. Gaede III (*pro hac vice*)
McDERMOTT WILL & EMERY
3150 Porter Drive
Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

Kevin M. Flowers (*pro hac vice*)
Thomas I. Ross (*pro hac vice*)
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

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