

Exhibit 9

KAYE SCHOLER LLP

Patricia Carson
212 836-7466
Fax 212 836-6355
pcarson@kayescholer.com

425 Park Avenue
New York, New York 10022-3598
212 836-8000
Fax 212 836-8689
www.kayescholer.com

February 22, 2007

VIA EMAIL & FAX

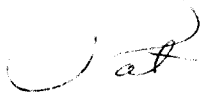
Krista Carter, Esq.
Day Casebeer Madrid & Batchelder LLP
20300 Stevens Creek Blvd, Suite 400
Cupertino, California 95014
email: kcarter@daycasebeer.com

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

Dear Krista:

I write in response to your letter dated January 20, 2007, concerning Amgen's proposed Joint Stipulation Regarding Production of Roche's Cell Line. We would be agreeable to paragraphs 1 through 3 as proposed, although it remains our view that Amgen's proposed language in paragraph 3 invites dispute over what constitutes a "new argument." Nonetheless, Roche is willing to agree to this stipulation if language confirming that the stipulation may not be used for any purpose other than as evidence of infringement of the '349 claim limitation regarding production levels. In that your letter once again confirms that the *only* evidence that Amgen seeks through the proposed stipulation is that "Roche's EPO-producing cell line meets the EPO production levels of Amgen's '349 Patent claims" we fail to understand why this should pose any issue. I would welcome the opportunity to discuss this issue with you at your earliest convenience.

Very truly yours,



Patricia Carson

cc: Thomas F. Fleming, Esq.
Howard S. Suh, Esq.
Julia Huston, Esq.
Michele Moreland, Esq.
Mark Izraelewicz, Esq.

31423337.DOC