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VIA EMAIL & FAX

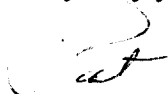
Deborah E. Fishman, Esq.
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Re: *Amgen, Inc. v. F. Hoffmann-La Roche, Ltd., et al.*

Dear Deborah:

I write in response to your letter dated February 5th. Your letter states that “Roche has been ordered to produce its cell line because it refused to reach a stipulation regarding the RIA values and documents that would demonstrate that such RIA values were not produced.” In that this appears to be the only reason Amgen wants Roche’s cell line, we suggest that the parties agree to the attached stipulation. Please let me know as soon as possible whether Amgen will agree to the attached stipulation or some reasonable variation so that we can discontinue our current efforts to navigate the governmental red-tape required for importation of Roche’s cell line.

Very truly yours,



Patricia Carson

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

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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,

Plaintiff,

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.

Civil Action No. 05-CV-12237 WGY

**JOINT STIPULATION REGARDING PRODUCTION
OF ROCHE'S PRODUCTION 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 DN2-3 α 3 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 grounds, Roche stipulates that DN2-3 α 3 is "capable upon growth in culture of producing erythropoietin in the medium of their growth in excess of 100 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 production line, relinquishes any claim to production of Roche's cell line and agrees that it will not renew its request for Roche's cell line at any time for any reason in the future.