

MARSHALL, GERSTEIN & BORUN LLP

ATTORNEYS AT LAW

SANDIP H. PATEL, ESQ.

January 12, 2006

VIA FEDEX EXPRESS

Fresenius Medical Care Holdings, Inc.
920 Winter Street
Waltham, MA 02451

ATTN: GENERAL COUNSEL

Re: *Amgen Inc. v. F. Hoffman-LaRoche Ltd., et al.*
Civil Action No. 05-12237 (WGY) (D. Mass.)

Ladies and Gentlemen:

We write on behalf of our client, Amgen Inc. ("Amgen"), and enclose a bound volume of papers described in more detail below.

The parties to the above-identified U.S. District Court action have propounded discovery requests on each other calling for the production of certain documents in each party's possession. Some of those requests call for the production of documents that may include confidential information of Fresenius Medical Care Holdings, Inc. ("FMCH") that FMCH provided to one or both parties in furtherance of FMCH's relationship with that party. Amgen has not produced to F. Hoffman-LaRoche Ltd., et al. ("Roche") any documents in Amgen's possession containing FMCH's confidential information, and has objected to such Roche requests on the basis that the requests call for the production of documents containing a third party's (e.g., FMCH's) confidential information.

By this letter, Amgen requests FMCH's permission for (a) Amgen to produce to Roche responsive documents in Amgen's possession that may contain FMCH's confidential information, and (b) Roche to produce to Amgen responsive documents in Roche's possession that may contain FMCH's confidential information. Primarily, the documents that Amgen is seeking permission to produce are purchase or supply agreements for EPOGEN[®] and ARANESP[®]. Such production may be made under the provisions of the protective order entered in this action, which limits disclosure of confidential information to persons identified in the order. Please advise Ms. Kimberlin Morley of Amgen (One Amgen Center Drive, MSC 28-2-C, Thousand Oaks, CA 91320-1799; Phone (805) 447-5375; Fax (805) 447-1010) if FMCH is willing to provide, or consider providing, such permission, so that the parties may produce such documents.

MARSHALL, GERSTEIN & BORUN LLP

Fresenius Medical Care Holdings, Inc.
January 12, 2006
Page 2

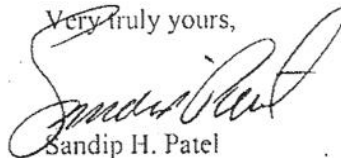
For your convenience, the enclosed bound volume of papers includes, behind correspondingly-numbered tabs:

1. Amgen's "Amended Complaint for Declaratory Judgment of Infringement of U.S. Patent Nos. 5,441,868, 5,547,933, 5,618,698, 5,621,080, 5,756,349, and 5,955,422," dated April 25, 2006;
2. The U.S. District Court's Protective Order, dated December 21, 2006;
3. Roche requests for production identifying FMCH and Amgen's responses thereto; and,
4. Amgen requests for production identifying FMCH and Roche's responses thereto.

The U.S. District Court has ordered the parties to complete production of all responsive documents by February 16, 2007, and complete fact discovery by April 2, 2007. Accordingly, Amgen would greatly appreciate your prompt attention to this matter.

We look forward to your response.

Very truly yours,



Sandip H. Patel

SHP/

Enclosures

cc: Mr. Jay Morris, Patent Counsel, Fresenius Medical Care Holdings, Inc. (via FedEx Express)
Ms. Kimberlin Morley, Senior Counsel, Amgen Inc. (via FedEx Express)