

## FISH &amp; RICHARDSON P.C.

## Exhibit E

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Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

BY FACSIMILE

February 22, 2007

Krista M. Carter, Esq.  
Day Casebeer Madrid & Batchelder LLP  
20300 Stevens Creek Boulevard, Suite 400  
Cupertino, California 95014

Re: *Amgen, Inc. v. F. Hoffmann-La Roche Ltd. et al.*  
Civil Action No. 05 CV 12237 WGY (D. Mass.)



Dear Ms. Carter:

Thank you for your letter of February 20, 2007.

Please send the documents that you intend to produce which contain the confidential or proprietary information of FMCNA or any of its affiliates to both myself and to the following:

Justin J. Sergio  
Assistant General Counsel  
Law Department  
Fresenius Medical Care North America  
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If possible, electronic copies would be preferred.

Also, please be advised that we may require that certain of these documents be produced under a higher level of confidentiality than that provided by the present protective order. This would include, at the very least, documents disclosing the prices paid by FMCNA. We would need to see the documents to determine whether any other information would need to be produced at this higher level. We have already discussed the need for an amendment to the protective order in this regard with attorneys for Roche, and they are agreeable to such an amendment. I presume that Amgen would not have any problem with such an amendment either.

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SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

FISH & RICHARDSON P.C.

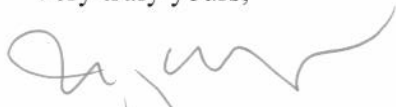
Krista M. Carter, Esq.

February 22, 2007

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Please let me know if you have any questions.

Very truly yours,



Mark J. Hebert

cc/fax: Ronald C. Castle, Esq., FMCNA  
Jules Jay Morris, Esq., FMCNA  
Justin J. Sergio, Esq., FMCNA  
Kimberlin L. Morely, Esq., Amgen, Inc.  
Cantrell Bernau, Esq., Amgen Inc.  
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