Amgen Inc. v. F. Hoffmann-LaRoche LTD et al

Doc. 350 Att. 1

Case 1:05-cv-12237-WGY

Document 350-2

Filed 04/02/2007

Page 1 of 1

KAYE SCHOLER LLP

EXHIBIT A

1999 Avenue of the Stars Suite 1700 Los Angeles, California 90067-6048 310 788-1000 Fax 310 788-1200 www.kayescholer.com

Theodore W. Maya 310 788-1252 Fax 310 229-1852 tmaya@kayescholer.com

March 23, 2007

Via Facsimile and U.S. Mail

Deborah Fishman Day Casebeer Madrid & Batchelder 20300 Stevens Creek Boulevard Suite 400 Cupertino, California 95014

Fax: 408 873-0220

Re:

Amgen v. Roche, 05-122237 WGY (D. Mass.)

Dear Deborah:

During Helen Torley's deposition on March 20, 2007, she testified that Leslie Mirani, at Ms. Torley's direction, drafted and distributed a "sales and marketing communication" to the Amgen sales force instructing salespeople to have no proactive communications with customers regarding CERA. (Tr. at 130:5.) Please produce this document, and all drafts of it, as soon as possible. In addition, please produce any similar documents concerning sales force communications with customers about CERA that have not been produced to date, or verify that a diligent search has been performed but no such additional documents found.

These documents are covered by, among other requests, Roche's Request No. 309, which specifically requests communications authored by Leslie Mirani regarding Amgen's customers for ESA products. In addition, these documents are covered by, *inter alia*, Requests 126-30, 132, 287, 304-08, and 418-22. Thank you for your anticipated cooperation in this matter.

Sincerely,

1.111g/s