

EXHIBIT 2

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,
Plaintiff,
vs.
F. HOFFMANN-LA ROCHE LTD, ROCHE
DIAGNOSTICS GmbH, AND HOFFMANN-LA
ROCHE INC.,
Defendants.

CIVIL ACTION No.: 05-cv-12237WGY

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO
DEFENDANTS' FIRST SET OF INTERROGATORIES (NOS. 1-12)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure ("FRCP"), Plaintiff/Counter Defendant Amgen Inc. ("Amgen") hereby supplements its objections and responses to Defendants' First Set of Interrogatories (Nos. 1-12).

PRELIMINARY STATEMENT

1. Amgen's responses to Defendants' First Set of Interrogatories are made to the best of Amgen's present knowledge, information and belief. Amgen's responses are subject to amendment and supplementation should future investigation indicate that amendment or supplementation is necessary. Amgen undertakes no obligation, however, to supplement or amend these responses other than as required by the Federal Rules of Civil Procedure of the Local Rules of the United States District Court for the District of Massachusetts.

2. Amgen's responses to Defendants' First Set of Interrogatories are made according to information currently in Amgen's possession, custody and control.

3. To the extent that Amgen responds to Defendants' First Set of Interrogatories by stating information that private, confidential, highly confidential, proprietary, trade secret or otherwise protected from disclosure, Amgen will respond pursuant to the terms of the Protective Order in this case.

**PLTF'S SUPPL. RESPONSE TO FIRST
SET OF INTERROGATORIES (1-12)
CASE NO. 05-cv-12237WGY**

AM440003894; AM440230707; AM440230737 - AM440230767; AM6701078325 - AM6701078330; AM6701078334 - AM6701078340; AM6701078341 - AM6701078343; AM6701078344 - AM6701078350; AM6701078351 - AM6701078355; AM6701078356 - AM6701078362; AM6701078363 - AM6701078371; AM6701078372 - AM6701078375; AM6701078376; AM6701078377; AM-ITC00552143 - AM-ITC00552145; AM-ITC00565466 - AM-ITC00565495; AM-ITC00565497 - AM-ITC00565509; AM-ITC00565510 - AM-ITC00565537; AM-ITC00592546 - AM-ITC00592558; AM-ITC00592737 - AM-ITC00592747; AM-ITC00592757; AM-ITC00593196 - AM-ITC00593197; AM-ITC00817100 - AM-ITC00817137; AM-ITC01091372 - AM-ITC01091387; AM77002299 - AM77002305; AM77002316 - AM77002341

INTERROGATORY NO. 8:

Separately for each claim of the patents-in-suit, identify whether Amgen contends that the making, using, offering to sell or selling of ARANESP® is covered by any or all of the claims of the patents-in-suit, explain whether the making, using, offering to sell or sale is contended to be covered literally or by the doctrine of equivalents, and identify all documents and things that support or otherwise refute Amgen's response to this interrogatory.

RESPONSE TO INTERROGATORY NO. 8:

In addition to the foregoing General Objections, Amgen makes the following Specific Objections to this interrogatory: Amgen objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, and lacks relevance under Rule 26. Amgen's ARANESP product is not accused of infringement in this action.

Subject to and without waiver of these Specific Objections and General Objection set forth above which are incorporated herein by reference, and with reservation of its right to supplement or amend its response to this interrogatory after the claims have been construed and necessary discovery has been received, Amgen provides the following response to this interrogatory:

The making, using, offering to sell or selling of ARANESP® is covered by one or more of the claims of the patents-in-suit either literally or under the doctrine of equivalents. Documents that support this response include the intrinsic record of the patents-in-suit and documents sufficient to show Aranesp's structure, function, method of production and method of use. These documents include AM-ITC-29667-30100, AM44 0220452-473, AM44 0220474-503 and documents currently in process for production.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8

Subject to and without waiver of these Specific Objections and General Objection set forth above which are incorporated herein by reference, and with reservation of its right to supplement or amend its response to this interrogatory after the claims have been construed and necessary discovery has been received, Amgen incorporates by reference its previous response and provides the following supplemental response to this interrogatory:

As set forth in the ARANESP® product label, Amgen contends that the importing, making, using, offering to sell or selling of ARANESP® is covered (literally or equivalently) under unasserted claim 1 of the '698 Patent. Amgen reserves the right to amend this response should the Court construe any claim term in a manner that differs from Amgen's proposed constructions stated in its Response to Interrogatory No. 1.

INTERROGATORY NO. 9:

Describe whether Amgen contends that CERA is not materially changed pursuant to 35 U.S.C. § 271(g) from "human erythropoietin," as that term is used in the asserted claims of the patents-in-suit, any basis and/or evidence, and the identity of all documents and things that support or otherwise refute Amgen's response to this interrogatory.

RESPONSE TO INTERROGATORY NO. 9:

In addition to the foregoing General Objections, Amgen makes the following Specific Objections to this interrogatory: Amgen objects to this interrogatory to the extent that none of Amgen's asserted process claims (as defined in Amgen's Response to Interrogatory No. 1) refer to "human erythropoietin" as the product produced by the claimed processes. For purposes of

ITC 00991045-080; AM-ITC 00991081-083; AM-ITC 01004923-929; AM-ITC 01006613-756; AM-ITC 01006920-923; and AM-ITC 01007030-037.

Further information relevant to the failure of the work of Goldwasser is set forth in the published decisions regarding Dr. Lin's U.S. patents. The pleadings and Amgen's document production from each of these actions, including Dr. Lin's testimony and that of other relevant Amgen employees, have been provided to Roche in response to Roche's First Set of Requests for the Production of Documents and Things in the ITC proceeding.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12

Subject to and without waiver of these Specific Objections and General Objection set forth above which are incorporated herein by reference, and with reservation of its right to supplement or amend its response to this interrogatory after the claims have been construed and necessary discovery has been received, Amgen incorporates by reference its previous response and provides the following supplemental response to this interrogatory:

The Goldwasser experiment did not demonstrate that Dr. Goldwasser's preparation constituted a "therapeutically effective amount of human erythropoietin" because, for example, it did not establish that erythropoietin in Dr. Goldwasser's preparation as administered to the three human subjects caused an increase in hematocrit levels, erythrocyte mass changes, reticulocyte response, and/or ferrokinetic effects.

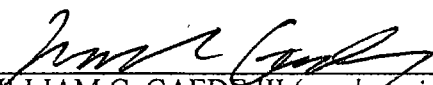
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