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March 14, 2007

BY FAX and EMAIL

Deborah Fishman
Day, Casebeer, Madrid & Batchelder LLP
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Cupertino, CA 95014

**Re: Amgen, Inc. v. F. Hoffman-La Roche Ltd, Roche Diagnostics GmbH,
and Hoffmann-LaRoche Inc., Civ. No. 05-CV-12237WGY, D. Mass**

Dear Deborah:

I write because we have not heard back on several critical issues outstanding relating to responsive, important discovery not produced by Amgen. First, in letters from Pat Carson and myself on March 12 (and a follow-up letter of March 13 from me), we notified you that Amgen's document production is missing several key documents. For example, there are approximately 16 individuals identified in Amgen's supplemental rule 26(a)(1) disclosure as people who have knowledge relevant to Amgen's claims and defenses, and from whom Amgen has produced either none or a tiny number (usually under 10) of documents. By Amgen's own admission, these people have relevant information - it is not credible that they have no responsive documents. In addition, Amgen has produced zero documents from Kevin Sharer in this case.

Related is the lack of production from Amgen of documents related to Amgen's attempts to pegylate ESAs, including EPO and Aranesp. Amgen specifically said that it would produce pegylation of erythropoietin documents in its responses to Roche documents requests 34 and 35 at least, yet Amgen's production of these documents is completely deficient. Amgen has produced about ten documents from Kinstler and none from Boone, both inventors on the pegylated NESP patent identified in my letter. Amgen has even designated Boone as a 30(b)(6) witness on development and evaluation of pegylated compounds, yet still has not produced documents from Boone in particular or on this topic in general. We had requested a meet and confer for yesterday on these issues, but did not hear back from you.

Second, Pat Carson wrote to you on March 13 concerning the exchange of the party's cell lines. Well over two weeks ago, the Court ordered that each side must produce its cell lines to the other. Roche has been ready to do this, but Amgen is stalling on this exchange, after

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insisting that Roche produce its cell line immediately and unnecessarily burdening the Court with yet another motion. On March 8th, Pat sent to you a proposal for exchange of the cell lines and requested a meet and confer on the logistics of the exchange, to which you have never responded. She sent a follow-up email on March 11 and then her letter on March 12, and we still have not heard from you.

We again request a meet and confer with you on Thursday March 14. If we do not hear from you, we will have to assume that Amgen refuses to discuss these issues, and refuses to produce the needed discovery.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Pratangelo". The signature is stylized and written over the typed name below it.

Peter Pratangelo

cc: Michele Moreland, Esq.
Mark Izraelewicz, Esq.
Julia Huston, Esq.
Patricia Carson, Esq.