

EXHIBIT 5

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LAROCHE LTD., a)
 Swiss Company, ROCHE DIAGNOSTICS)
 GMBH, a German Company, and)
 HOFFMANN LAROCHE INC., a New)
 Jersey Corporation)
)
 Defendants.)

C.A. No.: 05-12237 WGY

**PLAINTIFF AMGEN INC.’S SUPPLEMENTAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(A)(1)**

Pursuant to Fed. R. Civ. P. 26(a) and the local rules of the District of Massachusetts, Amgen hereby provides the following disclosures that supplement and incorporate the disclosures previously provided by Amgen in its original Rule 26(a)(1) initial disclosure as well as Amgen’s written discovery responses provided to Roche to date.

These disclosures are based on information reasonably available to Amgen as of the date of this disclosure and are without the benefit of forthright and fulsome discovery responses from Defendants’ on issues such as invalidity and inequitable conduct on which they bear the burden of proof. Amgen’s effort to identify potentially relevant witnesses, documents, and things pertinent to those defenses has been prejudiced and delayed by Roche’s refusal to provide fair and complete responses to the written discovery requests concerning its putative invalidity and unenforceability defenses. Amgen reserves the right to amend or supplement these disclosures consistent with its obligations under Fed. R. Civ. R. 26(e) as additional information becomes known to it and if and when Roche provides fulsome discovery responses,

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT AMGEN MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES:

As can be determined from information reasonably available to Amgen and based on its present understanding of such disputed facts as can be discerned from the allegations of the parties' respective pleadings and the written discovery to date, Amgen believes that following individuals may have discoverable information that Amgen may use to support its claims or defenses. Amgen reserves the right to amend this list as necessary or as further information becomes available to it.

A. Research and development leading to the inventions described and claimed in Amgen's patents-in-suit

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B. Amgen's Efforts to Express Erythropoietin, Characterize Erythropoietin, or Produce peg-EPO

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C. Urinary erythropoietin

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D. Clinical Profile of ESPs in Anemic Patients

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E. Preparation and prosecution of Amgen's patents-in-suit (without waiver of privilege or work product)

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F. Facts regarding Defendants' peg-EPO activities and their impact on Amgen and facts regarding Defendants' counterclaims

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G. Amgen's Product License Agreement with Ortho.

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In addition, a witness knowledgeable about the impact of Roche's potential market entry on Amgen's research and development efforts will be identified.

H. Fact Witnesses in the Prior Litigations

In addition to the above individuals, some 30 witnesses, including Amgen employees, gave testimony related to the patents-at-issue in *Amgen Inc. v. Genetics Institute, Inc. and*

Chugai Pharmaceutical Co. Ltd., C.A. 87-2617-Y (D. Mass.) and some 24 witnesses, including Amgen employees, gave testimony relating to the patents-at-issue in *Amgen Inc. v. Hoechst Marion Roussel, Inc. and Transkaryotic Therapies, Inc.*, C.A. 97-10814-WGY (D. Mass.). Likewise, Amgen believes that some of the witnesses, including Amgen witnesses, who gave testimony in the following proceedings may have knowledge relevant to the claims and defenses in this case: *Amgen v. Integrated Genetics*, C.A. 86-2616-Y (D. Mass.), *In the Matter of Certain Recombinant Erythropoietin*, 337-TA-281, and *Fritsch v. Lin* Interference Nos. 102,096; 102,097; and 102,334.

I. Individuals Affiliated with Roche

It is apparent that individuals employed by, acting for, funded by, or affiliated with Roche are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings regarding erythropoietin and peg-EPO research, development, patent applications, opinions, regulatory matters, and commercialization. These individuals, as presently known, are:

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<p>Lars Birgeron F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland</p>	<p>George Esgro Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>
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<p>Josef Burg Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany</p>	<p>Anton Haselbeck Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany</p>
<p>William M. Burns Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>	<p>Bernd Hilger Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany</p>
<p>Bernard Canaud Hopital Lapayronie Montpellier, France</p>	<p>Dick Hinson Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>
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<p>Franz B. Humer F. Hoffmann-La Roche, Ltd. Basel, Switzerland</p>	<p>Chrys Kokino Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>
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<p>John Keefe Marketing Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>	<p>Guido Magni Head of Global Medical Science F. Hoffmann-LaRoche, Ltd. Grenzacherstrasse 124, CH-4070 Basel, Switzerland</p>
<p>Iris Kingma-Johnson Roche Laboratories Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>	<p>Ken Miller Marketing Group Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>

<p>Hajime Miyamoto Unit of Anatomy and Cell Biology Department of Animal Sciences Kyoto University Kyoto 806-8502 Japan</p>	<p>Severin Schwan Chief Executive Officer Roche Diagnostics GmbH Sandhofer Strasse 116, D-68305 Mannheim, Germany</p>
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<p>Anne Pannier Pharma Development F. Hoffman-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland</p>	<p>Hanns-Christian Tillmann Medical Research Center University of Heidelberg Klinikum Mannheim, Germany</p>
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Bruno Reigner Pharma Development F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland	

II. DOCUMENTS

The categories of documents listed below may be relevant to disputed facts and are within the possession, custody or control of Amgen. Subject to any Protective Order entered in this or other cases or any objection, such as attorney-client privilege or work-product immunity, the following categories of documents will be made available for inspection by counsel for Roche:

Document category	Location
Documents containing information related to the infringement of Amgen's patents-in-suit by the Roche defendants	Amgen Inc. One Amgen Center Drive Thousand Oaks, California
Documents containing information related to the preparation and prosecution of Amgen's patents-in-suit	Amgen Inc. One Amgen Center Drive Thousand Oaks, California
Documents containing information related to erythropoietin research and development at Amgen leading to the Lin inventions	Amgen Inc. One Amgen Center Drive Thousand Oaks, California
Documents containing information related to pegylated erythropoietin	Amgen Inc. One Amgen Center Drive Thousand Oaks, California
Documents containing information related to the effect of Roche's potential market entry	Amgen Inc. One Amgen Center Drive

with peg-EPO	Thousand Oaks, California
Pleadings, submissions, exhibits, and decisions from prior litigation involving one or more of Amgen's patents-in-suit	Amgen Inc. One Amgen Center Drive Thousand Oaks, California

III. COMPUTATION OF DAMAGES

Amgen is currently not seeking damages in this equitable action for declaratory relief.

Amgen may seek costs and expenses of suit and any further relief the Court deems proper in this equitable action. These costs, expenses, and further relief cannot be computed until the conclusion of this suit.

IV. INSURANCE

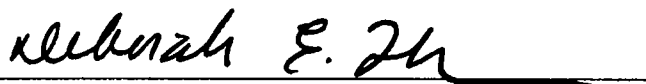
Amgen is presently unaware of any insurance agreement under which any insurer may be liable to satisfy all or part of any judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: March 8, 2007

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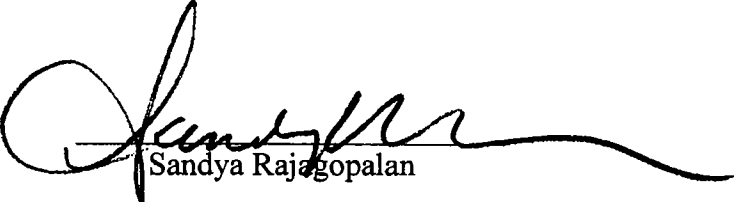
CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon the attorneys of record for the plaintiff (as listed below) via facsimile and electronic mail on March 8, 2007.

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