

EXHIBIT 4

**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**

MPK 122051-2.041925.0023

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CONTAINS ROCHE RESTRICTED ACCESS CONFIDENTIAL BLA/IND MATERIAL

U.S. PATENT NO. 5,621,080 CLAIM 3		
Claim Limitations	Proposed Claim Construction	Corresponding Structure or Function in Roche's Product
<p>vivo biological activity of causing bone marrow cells to increase production of reticulocytes and red blood cells</p> <p>wherein said erythropoietin glycoprotein comprises the mature erythropoietin amino acid sequence of FIG. 6</p>	<p>REDACTED</p>	<p>REDACTED</p>
	<p>REDACTED</p>	<p>The erythropoietin glycoprotein in RO0503821 comprises the equivalent of the mature erythropoietin amino acid sequence of Figure 6 of the '080 Patent because the difference is insubstantial.</p> <p style="text-align: center;">REDACTED</p>

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EXHIBIT A TO PLAINTIFF'S RESPONSE TO FIRST SET OF INTERROGATORIES (1-13)
CASE NO. 05-cv-12237WGY

**CERTIFICATE OF SERVICE VIA
ELECTRONIC MAIL**

I, William Martinez, hereby declare:

I am a citizen of the United States and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is McDermott Will & Emery LLP, 3150 Porter Drive, Palo Alto, California 94304-1212.

On February 10, 2007, I served a copy of **PLAINTIFF'S SUPPLEMENTAL RESPONSE TO FIRST SET OF INTERROGATORIES (NOS. 1-12)** by electronic transmission by attaching the referenced documents to an electronic mail and transmitting the same to the e-mail addresses indicated below:

Leora Ben-Ami, Esd. Patricia A. Carson, Esq. Thomas F. Fleming, Esq. Howard Suh, Esq. Peter Fratangelo, Esq. KAYE SCHOLER LLP 425 Park Avenue New York, NY 10022 Tel: (212) 836-8000 lbenami@kayescholer.com pcarson@kayescholer.com tfleming@kayescholer.com hsuh@kayescholer.com pfratangelo@kayescholer.com	Lec Carl Bromberg, Esq. Julia Huston, Esq. Keith E. Toms, Esq. BROMBERG & SUNSTEIN LLP 125 Summer Street Boston, MA 02110 Tel. (617) 443-9292 lbromberg@bromsun.com jhuston@bromsun.com ktoms@bromsun.com
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed at Palo Alto, California on February 9, 2007.



William Martinez