

EXHIBIT H

NICOLE A. RIZZO
T 617 443 9292 x 354
NRIZZO@BROMSUN.COM

May 25, 2007

Via E-mail

William G. Gaede III, Esq.
McDermott Will & Emery
3150 Porter Drive
Palo Alto, CA 94304-1212

Re *Amgen, Inc. v. F. Hoffmann-La Roche Ltd*, et al, C.A. 05-12237
Our File 3099/501

Dear Bill:

I am in receipt of your May 16, 2007 letter in response to my request to schedule the continued deposition of Mr. Borun in order to permit further questioning as ordered by the Court. *See* Court's Order of April 17, 2007. As your letter recognizes, the Court granted in part Roche's Motion to Compel the Production of Documents Improperly Withheld on Grounds of Privilege (Docket No. 336), and found that, regarding the important issues raised in Mr. Borun's testimony referenced in Appendix A at summary numbers 49 and 50, "Roche is entitled to know where Mr. Borun got that information and when." Markman Hearing Transcript at 107 (April 17, 2007). Also, if the information came from another Amgen attorney, "where that attorney got his information and when . . . from whom and when." *Id.*

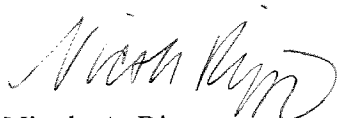
Thus, your refusal to produce Mr. Borun for continued deposition in order to answer these questions is a violation of a Court Order. Moreover, Amgen's "investigation analogous to a Rule 30(b)(6) witness due diligence investigation" is an inadequate substitute for Mr. Borun's continued deposition. Indeed, Roche is entitled to question Mr. Borun on the issues specifically ordered by the Court, and Amgen's "investigation" does not satisfy the Court's Order. Additionally, if Mr. Borun's information came from another Amgen attorney, Roche is entitled to testimony by that Amgen attorney about from whom and when he or she obtained this information.

Roche is therefore reiterating its request to schedule a mutually convenient time to resume Mr. Borun's deposition. If I do not receive a satisfactory response from you by close of

William G. Gaede III, Esq.
McDermott Will & Emery
May 3, 2007
Page 2

business on Tuesday, May 29, Roche will file a motion to compel Mr. Borun's deposition. I trust that this letter serves as a meet and confer for such a motion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole Rizzo".

Nicole A. Rizzo

NAR/

cc: Deborah E. Fishman, Esq.
Kevin M. Flowers, Esq.
Thomas F. Fleming, Esq.
Patricia A. Carson, Esq.
Krista M. Rycroft, Esq.
Lee C. Bromberg, Esq.

03099/00501 675378.1