

EXHIBIT

3

Fishman, Deborah

From: Fishman, Deborah
Sent: Friday, July 13, 2007 12:43 PM
To: 'Julia Huston'; dcurto@mwe.com; mmayell@kayescholer.com; Keith E. Toms
Cc: mkendall@mwe.com; jdubrow@mwe.com; Lee Carl Bromberg
Subject: RE: Confidentiality Issues (3099/501)

Dear Julia/Keith,

I have been going through the proposal that Keith sent late Tuesday night. As a preliminary matter, the citations provided in that letter for the exhibits are incomplete and many of the exhibits that you are asking us to reduce or redact are identified in the memo, 56.1, and supporting declaration of Harvey Lodish, though not all of those references are identified in your letter. Therefore, it is taking some time to ensure that we understand the use to which the exhibits are each being put in order to understand what sort of reasonable accommodation or agreement we may be able to reach.

In addition, there is ambiguity in your request. In particular, on Exhibit 63 (item 11 in your letter), there are multiple tables called Table 11, so please indicate by production numbers the ranges for the tables and figures you would like us to redact. Please let me know as soon as possible.

Thank you,
Deborah

Deborah Fishman
Day Casebeer Madrid Batchelder, LLP
fishmand@daycasebeer.com

From: Julia Huston [<mailto:JHuston@bromsun.com>]
Sent: Friday, July 13, 2007 9:25 AM
To: dcurto@mwe.com; mmayell@kayescholer.com
Cc: Fishman, Deborah; Kendall, Mike; DuBrow, Jon; Keith E. Toms; Lee Carl Bromberg
Subject: RE: Confidentiality Issues (3099/501)
Importance: High

Dear Dan,

As you know, we have been waiting for Amgen's response to Roche's proposal on 8 infringement documents since we made our written proposal on July 10. We still do not have Amgen's response. The 8 infringement documents do not raise any complex issues - for each exhibit, we will either agree that the cited portion of the exhibit may be publicly filed, or have confirmed that the proposition for which the exhibit is cited is already in another document that is or may be publicly filed.

There is no reason that we cannot reach an agreement with respect to these 8 exhibits independently of what happens with respect to the antitrust documents. Thus, I am concerned about your statement below that, in the absence of an agreement reached today, Amgen will "proceed as the Court directs." With respect to the 8 documents itemized in our written proposal on July 10, please be advised that in the event no agreement is reached, we will be making an emergency motion to strike those exhibits from the record entirely except as to certain excerpts. A copy of our motion is enclosed.

Accordingly, Amgen is hereby on notice not to file in the public record any of the 10 documents identified in our

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letter of July 10, as we will be making an emergency motion to strike the first 8 exhibits and the time for us to move to seal the remaining 2 exhibits has not yet passed. It is still my hope that we can reach agreement as to the first 8 exhibits to avoid unnecessary motion practice. Please let me know if that is the case. If you do not agree to our proposal, and we are otherwise unable to reach agreement with respect to the first 8 exhibits, then we will file the emergency motion immediately.

Regards,
Julia

Julia Huston

Partner

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From: dcurto@mwe.com [mailto:dcurto@mwe.com]
Sent: Friday, July 13, 2007 9:43 AM
To: mmayell@kayescholer.com
Cc: dfishman@daycasebeer.com; mkendall@mwe.com; jdubrow@mwe.com; Julia Huston
Subject: Confidentiality Issues

Manvin:

Please see the attached letter regarding Amgen's proposed redactions to the summary judgment papers. I'd like to get your proposed redactions by noon so I can have sufficient time to review them before our 3:00 p.m. call. Please confirm this will happen.

In light of the upcoming hearing, we need to set some deadlines on coming to an agreement. If we can't get this done today then our plan is to proceed on the confidentiality issues as ordered by the judge.

Regards,
Dan

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----- Forwarded by Daniel A Curto/BST/MWE on 07/13/2007 09:28 AM -----

Deborah Looke <DLooke@mwe.com>

To Dan Curto <DCurto@mwe.com>

cc

07/13/2007 10:36 AM

Subject letter to mayell

This E-mail includes attached file(s) sent from "RNP7D629D" (Aficio 1060).

Scan Date: 07.13.2007 09:36:24 (-0500)
Queries to: sreed@mwe.com

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