

EXHIBIT

4

Fishman, Deborah

From: Fishman, Deborah
Sent: Friday, July 13, 2007 3:10 PM
To: 'Julia Huston'; dcurto@mwe.com; Keith E. Toms
Cc: jdubrow@mwe.com; Lee Carl Bromberg; Kendall, Mike; mmayell@kayescholer.com
Subject: RE: Confidentiality Issues (3099/501)

Dear Keith and Julia,

To confirm, Amgen will not file the 8 documents referenced below in the public record without prior notice to Roche and an opportunity to file a motion to strike. In the event that Roche files a motion to strike, Amgen will refrain from filing the documents in the public record until the Court has ruled on Roche's motion. We continue to desire to reach a mutual agreement and narrowing of the issues in dispute and believe that the parties have not exhausted the meet and confer process. I assume that Roche will treat Amgen's confidential information in a reciprocal fashion. Please let me know if this is incorrect.

Thanks,

Deborah

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

From: Julia Huston [<mailto:JHuston@bromsun.com>]
Sent: Friday, July 13, 2007 9:43 AM
To: dcurto@mwe.com
Cc: Fishman, Deborah; DuBrow, Jon; Keith E. Toms; Lee Carl Bromberg; Kendall, Mike; mmayell@kayescholer.com
Subject: RE: Confidentiality Issues (3099/501)

Hi Dan,

As we just discussed by phone, I write to confirm that Amgen will *not* publicly file the 10 exhibits identified in our letter of July 10 unless and until it becomes clear that we cannot each agreement as to those exhibits *and* the court rules on our motion to strike (with respect to the 8 exhibits) and our motion to seal (with respect to the 2 exhibits), both of which motions will be filed promptly in the event that no agreement is reached. Please let me know if my understanding is not correct. Many thanks!

Regards,
Julia

From: dcurto@mwe.com [<mailto:dcurto@mwe.com>]
Sent: Friday, July 13, 2007 12:34 PM
To: Julia Huston
Cc: dfishman@daycasebeer.com; jdubrow@mwe.com; Keith E. Toms; Lee Carl Bromberg; mkendall@mwe.com; mmayell@kayescholer.com

7/16/2007

Subject: RE: Confidentiality Issues (3099/501)

Julia:

We understand the time to seal has not run on these documents and as to a number of other filings the parties have submitted. As I stated in my e-mail and letter, if the court directs these documents cannot be filed under seal and we cannot come to some agreement, then we will file as directed by the court. I did not think that was unclear, but to confirm we will not take any action until the motion to seal deadline has run and the court has ruled on any filed motions to seal.

Regards,
Dan

Daniel A. Curto
McDermott Will & Emery LLP | 28 State Street, Boston, MA 02109
Office: 617-535-4036 | Fax: 617-535-3800 | Cell: 508-333-9378 | <mailto:dcurto@mwe.com>
www.mwe.com

"Julia Huston" <JHuston@bromsun.com>

07/13/2007 12:25 PM

To <dcurto@mwe.com>, <mmayell@kayescholer.com>
cc <dfishman@daycasebeer.com>, <mkendall@mwe.com>, <jdubrow@mwe.com>, "Keith E. Toms" <Ktoms@bromsun.com>, "Lee Carl Bromberg" <LBromberg@bromsun.com>
Subject RE: Confidentiality Issues (3099/501)

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 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.

7/16/2007

Regards,
Julia

Julia Huston
Partner

Bromberg & Sunstein LLP
Attorneys at Law
125 Summer Street
Boston, MA 02110-1618
Tel: (617) 443-9292 x 264
Fax: (617) 443-0004
jhuston@bromsun.com
www.brombergsunstein.com

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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

Daniel A. Curto
McDermott Will & Emery LLP | 28 State Street, Boston, MA 02109
Office: 617-535-4036 | Fax: 617-535-3800 | Cell: 508-333-9378 | <mailto:dcurto@mwe.com>
www.mwe.com

----- Forwarded by Daniel A Curto/BST/MWE on 07/13/2007 09:28 AM -----
Deborah Looke <DLooke@mwe.com>

07/13/2007 10:36 AM

To Dan Curto <DCurto@mwe.com>
cc

7/16/2007

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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Please visit <http://www.mwe.com/> for more information about our Firm. [attachment "Julia Huston.vcf" deleted by Daniel A Curto/BST/MWE] [attachment "Emergency Motion to Strike Exhibits.DOC" deleted by Daniel A Curto/BST/MWE]

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