

EXHIBIT D

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
F. HOFFMANN-LAROCHE LTD., a)	C.A. No.: 05-12237 WGY
Swiss Company, ROCHE)	
DIAGNOSTICS GMBH, a German)	
Company, and HOFFMANN LAROCHE)	
INC., a New Jersey Corporation)	
)	
Defendants.)	

**PLAINTIFF AMGEN INC.'S THIRD 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

Arnold J. Berk, M.D.
1632 Pandora Avenue
Los Angeles, CA 90024

Jeffrey K. Browne
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joan Egrie
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Steven Elliot
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeri Lane
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Fu-Kuen Lin
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

George Rathmann
525 Byron Street
Palo Alto, CA 94301
(408) 746-4501

Dennis Fenton
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Ralph Smalling
341 Scarborough Street
Thousand Oaks, CA 91361

Thomas W. Strickland
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Daniel Vapnek
414 Plaza Rubio
Santa Barbara, CA

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

Tom Boone
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joan Egrie
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Steven Elliot
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Eugene Goldwasser
University of Chicago
920 E. 58th Street
Chicago, Illinois 60637
(773) 702 1764

Fu-Kuen Lin
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Gary Rogers
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Thomas W. Strickland
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeffrey K. Browne
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

C. Urinary erythropoietin

Tsutomu Arakawa

Kenneth Aoki
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joseph Baron
The University of Chicago

Hematology/Oncology, Dept. Medicine
5801 South Ellis Avenue
Chicago, IL 60637

Joan Egrie
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joseph Eschbach, M.D.
101 101st Ave SE #301A
Bellevue, WA 98004

Eugene Goldwasser
University of Chicago
920 E. 58th Street
Chicago, Illinois 60637
(773) 702 1764

Charles K. H. Kung
19237 Tramore Lane
Mokena, IL 60448-8614

Jeri Lane
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Gary Rogers
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Thomas W. Strickland
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

D. State of the Relevant Art Before, As of, and After Dr. Lin's Inventions and Objective Evidence of the Non-Obviousness of Dr. Lin's Inventions

Joseph Baron
The University of Chicago
Hematology/Oncology, Dept. Medicine

5801 South Ellis Avenue
Chicago, IL 60637

Arnold J. Berk, M.D.
1632 Pandora Avenue
Los Angeles, CA 90024

Jeffrey K. Browne
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joan Egrie
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joseph Eschbach, M.D.
101 101st Ave SE #301A
Bellevue, WA 98004

Dennis Fenton
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Eli Friedman, M.D.
Downstate Medical Center
450 Clarkson Ave.
Brooklyn, NY 11203

Eugene Goldwasser
University of Chicago
920 E. 58th Street
Chicago, Illinois 60637
(773) 702 1764

Charles K. H. Kung
19237 Tramore Lane
Mokena, IL 60448-8614

Fu-Kuen Lin
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Stuart H. Orkin
Howard Hughes Medical Institute
Children's Hospital
300 Longwood Avenue
Boston, MA 02115

George Rathmann
525 Byron Street
Palo Alto, CA 94301
(408) 746-4501

Nancy Spaeth
8320 South East 34th Street
Mercer Island, Washington 98040

Axel Ullrich
Max Planck Institute of Biochemistry
Dept. of Molecular Biology
Am Klopferspitz 18
82152 Martinsried
Germany

E. Clinical Profile of ESPs in Anemic Patients

Robert Brenner
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Mahesh Krishnan
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

F. Preparation of, Prosecution of, and Proceedings Involving (Including Without Limitation Interference Proceedings, Prior Litigation, and ITC Investigations) Amgen's Patents-in-Suit and Dr. Lin's Related EPO Patents

Michael F. Borun
Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474 6300

Jeffrey K. Browne
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Joan Egrie
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Fu-Kuen Lin
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Steven M. Odre
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Thomas W. Strickland
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Stuart L. Watt
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

G. Facts Regarding Defendants' peg-EPO Activities and Their Impact on Amgen and Facts Regarding Defendants' Counterclaims

Each of the individuals disclosed in Section D above.

Serena Anderson
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Paul Audhya
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Bob Azelby
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Robert Brenner
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeff Brown
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Pete Feldman
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Mahesh Krishnan
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Fred Manak
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Phil Marinelli
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Leslie Mirani
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Josh Ofman
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeff Parkhurst
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Helen Torley
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeff Weisinger
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Ren Yuthok
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Jeff Zavitz
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

H. Amgen's Product License Agreement with Ortho.

James Daly
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Stu Mackey
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Scott Foraker
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

I. Facts Regarding Amgen's Affirmative Defense of Estoppel

Herbert Fouquet
F. Hoffmann-La Roche Ltd.
Basel, Switzerland

Eric Notegen
F. Hoffmann-La Roche Ltd.
Basel, Switzerland

Steven M. Odre
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

Stuart L. Watt
c/o Amgen Inc.
One Amgen Center Drive
Thousand Oaks, California 91320-1799
(805) 447 1000

J. 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.

K. 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:

George Abercrombie Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110	Pascal Sebastian Bailon 21 Woodbine Road Florham Park, NJ 07932
George R. Aranoff 615 South Preston Street, Louisville, Kentucky	Anatole Besarab Division of Nephrology and Hypertension Henry Ford Hospital, CFP-511 2799 West Grand Boulevard Detroit, Michigan 48202
Ulrich Beyer Pharma Development F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland	Ute Dugan F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland
Lars Birgeron	George Esgro

F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland	Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110
Michael Brandt Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany	Steven Fishbane Winthrop-University Hospital Department of Medicine 200 Old Country Rd. Suite 135 Mineola, NY 11501
Josef Burg Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany	Anton Haselbeck Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany
William M. Burns Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110	Bernd Hilger Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany
Bernard Canaud Hopital Lapayronie Montpellier, France	Dick Hinson Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110
Frank C. Dougherty Pharma Development F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland	Eduard Holdener Head Global Pharma Development F. Hoffmann-LaRoche, Ltd. Grenzacherstrasse 124, CH-4070 Basel, Switzerland
Franz B. Humer F. Hoffmann-La Roche, Ltd. Basel, Switzerland	Chrys Kokino Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110
Michael Jarsch Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany	Francesco Locatelli A Manzoni Hospital Department of Nephrology and Dialysis Via dell'Eremo 9/11 23900 Lecco

	Italy
Hans-Peter Josel Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany	Iain MacDougall Department of Renal Medicine King's College Hospital Denmark Hill London, SE5 9RS, United Kingdom
Hiromitsu Kawata Chugai Pharmaceutical Co. Ltd. 1-1 Nihonbashi-Muromachi 2-Chome Chuo-Ku Tokyo 103-8324 Japan	Minoru Machida Pre-clinical Research Department I Chugai Pharmaceutical Co. Ltd. 1-135 Komakado 412-8513 Gotemba Shizoka, Japan
John Keefe Marketing Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110	Guido Magni Head of Global Medical Science F. Hoffmann-LaRoche, Ltd. Grenzacherstrasse 124, CH-4070 Basel, Switzerland
Iris Kingma-Johnson Roche Laboratories Inc. 340 Kingsland Street Nutley, New Jersey 07110	Ken Miller Marketing Group Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110
Hajime Miyamoto Unit of Anatomy and Cell Biology Department of Animal Sciences Kyoto University Kyoto 806-8502 Japan	Severin Schwan Chief Executive Officer Roche Diagnostics GmbH Sandhofer Strasse 116, D-68305 Mannheim, Germany
Teruo Nakamura Department of Medical Technology Hirosaki University School of Health Sciences Hirosaki University Hirosaki Aomori 036-8562 Japan	Yasuo Sekimori Chugai Pharmaceutical Co. Ltd. 1-1 Nihonbashi-Muromachi 2-Chome Chuo-Ku Tokyo 103-8324 Japan

<p>Allen Nissenson David Geffen School of Medicine 200 Medical Plaza, Suite 565 University of California, Los Angeles Los Angeles, CA 90095 (310) 825-2550</p>	<p>Barbara Senich Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>
<p>Wulf Pahlke Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany</p>	<p>Nadine Tare Drug Discovery Roche Research Center F. Hoffmann-La Roche, Inc. 340 Kingsland Street Nutley, New Jersey 07110</p>
<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>
<p>Apollon Papadimitriou Roche Diagnostics GmbH Pharma Research Penzberg Nonnenwaldstrasse 2 82372 Penzberg, Germany</p>	<p>Motoo Ueno Representative Director, Deputy President Chugai Pharmaceutical Co. Ltd. 1-1 Nihonbashi-Muromachi 2-Chome Chuo-Ku Tokyo103-8324 Japan</p>
<p>Robert Provenzano St. John Hospital and Medical Center Department of Nephrology and Hypertension 22101 Moross Road Detroit, Michigan 48236</p>	<p>Phillipe Van der Auwera F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland</p>
<p>Bruno Reigner Pharma Development F. Hoffmann-La Roche Ltd. Grenzacherstrasse 124 CH-4070 Basel, Switzerland</p>	

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 with peg-EPO	Amgen Inc. One Amgen Center Drive Thousand Oaks, California
Documents and things regarding objective evidence of non-obviousness	Amgen Inc. One Amgen Center Drive Thousand Oaks, California The public domain Third parties including Biogen, Genentech, and Genetics Institute (now Wyeth)
Pleadings, submissions, exhibits, settlement agreements, and decisions from prior litigation involving one or more of Amgen's patents-in-suit or their foreign counterparts	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

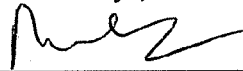
Amgen is presently unaware of any insurance agreement under which any insurer may be liable to satisfy all or part of any judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: July 10, 2007

Of Counsel:

Stuart L. Watt
Wendy A. Whiteford
Monique L. Cordray
Darrell G. Dotson
Kimberlin L. Morley
Erica S. Olson
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789
(805) 447-5000

Respectfully Submitted,
AMGEN INC.,
By its attorneys,



D. Dennis Allegretti (BBO#545511)
Michael R. Gottfried (BBO# 542156)
Patricia R. Rich (BBO# 640578)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: (857) 488-4200
Facsimile: (857) 488-4201

Lloyd R. Day, Jr. (*pro hac vice*)
DAY CASEBEER, MADRID &
BATCHELDER LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

William G. Gaede, III (*pro hac vice*)
McDERMOTT WILL & EMERY
3150 Porter Drive
Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

Kevin M. Flowers (*pro hac vice*)
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing document was served upon the attorneys of record for the defendants on July 10, 2007, in the manner listed below:

VIA ELECTRONIC MAIL TO:

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

Emails: lbenami@kayescholer.com
pcarson@kayescholer.com
tfleming@kayescholer.com
hsuh@kayescholer.com
pfratangelo@kayescholer.com

VIA HAND-DELIVERY TO:

Lee Carl Bromberg, Esq.
Julia Huston, Esq.
Keith E. Toms, Esq.
Nicole A. Rizzo, Esq.
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110



Michael R. Gottfried