Doc. 782 Att. 21

## **EXHIBIT 21**

## DAY CASEBEER MADRID & BATCHELDER LLP

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July 3, 2007

VIA E-MAIL & FACSIMILE

Thomas F. Fleming Kaye Scholer LLP 425 Park Avenue New York, NY 10022-3598

Re: Amgen Inc. v. F. Hoffman-LaRoche Ltd., et al. (05-CV-12237 WGY)

Dear Tom:

I write in response to your letter of yesterday regarding Amgen's identification of substitute expert(s) on the subject matter of Dr. Eschbach's report. We disagree with the characterizations in your letter and are concerned that they seem calculated to needlessly provoke a dispute when the Court has made plain its expectations that counsel must work together in a civil and professional manner to cooperatively resolve issues as they arise.

As you know, Amgen has been diligently working to identify and secure replacement(s) for Dr. Eschbach since we became aware of Dr. Eschbach's grave illness and we have endeavored to apprise you of the status of that search. Dr. Eschbach's unfortunate and sudden departure from the case came at a time in the case that has presented us with enormous difficulties to overcome in a short period of time. Nonetheless, we can report that, pending final confirmation, we will disclose to Roche the names of those who will address the issues raised by Drs. Spinowitz and Eschbach on July 5th.

We will require Roche's full cooperation to expedite the process set forth in the protective order for sharing the necessary Roche documents and information to such replacement expert(s) so that expert reports may be prepared as promptly as possible. We will, of course, work with you to set a reasonable schedule for the depositions of these individuals and Dr. Spinowitz.

We trust this should resolve all of the concerns in your letter to me of yesterday. But if it does not, I am available to meet to discuss this issue further with you at your convenience. Accordingly, we

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do not consent to your suggestion that Amgen may not present a substitute (or substitutes) for Dr. Eschbach in a trial in this matter.

Very truly yours,

DAY CASEBEER

MADRID & BATCHELDER LLP

eleborali E. M

Deborah E. Fishman

DEF:rlp

Julia Huston cc:

> Michele Moreland Mark Izraelewicz