

## **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD,	)	
ROCHE DIAGNOSTICS GMBH,	)	
AND HOFFMANN-LA ROCHE INC.,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' SUPPLEMENTAL DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 26(a) and the local rules of the District of Massachusetts, defendants, F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively "Roche"), supplement and incorporate their Rule 26(a)(1) initial disclosures as follows as well as incorporating Roche's written discovery responses provided to Amgen.

These supplemental disclosures are based on information reasonably available to Roche as of the date of this disclosure, and are without the benefit of complete and cooperative discovery from Amgen on issues such as infringement on which it bears the burden of proof, and on Roche's counterclaims of invalidity, inequitable conduct, and antitrust related violations. Roche reserves the right to amend or supplement these disclosures consistent with its obligations under Fed. R. Civ. P. 26(e) as more information becomes available to it, and if Amgen provides necessary and responsive discovery.

**A. Individuals Likely to Have Discoverable Information**

For purposes of this supplemental disclosure, the following individuals may have discoverable information that Roche may use to support its claims or defenses. Roche reserves the right to amend this list as necessary or as further information becomes available to it in this action.

INDIVIDUAL	TOPIC
Fu-Kuen Lin, Ph.D. Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Claims construction and validity of the asserted claims of the patents-in-suit; development of recombinant EPO
George Rathmann Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Development and marketing of recombinant EPO
Daniel Vapnek, Ph.D. Avigen, Inc. 1301 Harbor Bay Parkway Alameda, CA 94502 USA	Development and marketing of recombinant EPO
Steve Elliott, Ph.D. Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Development and marketing of Aranesp®
Joan Egrie, Ph.D. 561 Los Vientos Drive Newbury Park, CA 91320	Validity of the asserted claims of the patents-in-suit
Leroy Hood, Ph. D.	Validity of the asserted claims of the patents-

Institute for Systems Biology 1441 North 34 <sup>th</sup> St. Seattle, WA 98103-8904	in-suit
Joseph M. Baron, MD Department of Medicine University of Chicago Hospital 5801 South Ellis Ave Chicago, IL 60637	Development and use of pharmaceutical compositions containing human EPO
Joseph W. Eschbach 515 Minor Ave, #300 Seattle WA 98104	Development and use of pharmaceutical compositions containing human EPO
Stuart Arbuckle Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Development and marketing of recombinant EPO
Kevin W. Sharer Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products; development of Amgen's products
George J. Morrow Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products; development of Amgen's products
Jose Vega Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Development and marketing of recombinant EPO
Wendy Whiteford Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA	Development and marketing of recombinant EPO

91320-1799 (805) 447-1000	
Stuart Watt Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products  Prosecution of the patents-in-suit
Steven M. Odre Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products  Prosecution of the patents-in-suit
Jonas Pedersen, Ph.D. Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Alex Lyons Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Ann Miller Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
John Verniero Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Mary Susan Howard	Marketing and Competition Strategy for

Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Amgen's products
Monique Cordray Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Robert Azelby Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Robert Brenner Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing and Competition Strategy for Amgen's products
Phil Marinelli Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Revenue, costs and profits for Amgen's products.
James Daly Amgen, Inc. One Amgen Center Drive Thousand Oaks, CA 91320-1799 (805) 447-1000	Marketing of ESA products, and definition of markets relevant to ESAs.
Eugene Goldwasser, Ph.D. 5656 South Dorchester Avenue, Apt. 2 Chicago, IL 60637-1706	Development of prior art pharmaceutical compositions containing EPO; Validity of the asserted claims of the patents-in-suit
Leslie Mirani	Marketing and sales of Amgen Epogen® and

<p>Amgen, Inc.                  One Amgen Center Drive                  Thousand Oaks, CA                  91320-1799                  (805) 447-1000</p>	<p>Aranesp® products</p>
<p>Serena Anderson                  Amgen, Inc.                  One Amgen Center Drive                  Thousand Oaks, CA                  91320-1799                  (805) 447-1000</p>	<p>Marketing and sales of Amgen Epogen® and Aranesp® products</p>
<p>Helen Torley                  Amgen, Inc.                  One Amgen Center Drive                  Thousand Oaks, CA                  91320-1799                  (805) 447-1000</p>	<p>Marketing and sales of Amgen Epogen® and Aranesp® products</p>
<p>Hiroshi Miyazaki, Ph.D.                  Pharmaceutical Research Laboratory, Kirin                  Brewery Co., Ltd., Miyaharacho 3, Takasaki,                  Gunma 370-1295</p>	<p>Development of pharmaceutical compositions containing EPO</p>
<p>Por-Hsiung Lai, Ph.D.                  G 10F-1, 560, Chunghsiao East Road                  Sec. 4, Taipei 110                  Taiwan</p>	<p>Claims construction and validity of the asserted claims of the patents-in-suit, development of recombinant EPO</p>
<p>Thomas Strickland, Ph.D.                  Amgen, Inc.                  One Amgen Center Drive                  Thousand Oaks, CA                  91320-1799                  (805) 447-1000</p>	<p>Claims construction and validity of the asserted claims of the patents-in-suit, development of recombinant EPO</p>
<p>Graham Molineux, Ph.D.                  Amgen, Inc.                  One Amgen Center Drive                  Thousand Oaks, CA                  91320-1799                  (805) 447-1000</p>	<p>Development of Neulasta® and Aranesp®</p>
<p>Michael F. Borun                  233 South Wacker Drive</p>	<p>Prosecution of the patents-in-suit, claims construction and validity of the asserted claims</p>

**CONTAINS CONFIDENTIAL MATERIAL PURSUANT TO PROTECTIVE ORDER**

6300 Sears Tower Chicago, IL 60606-6357 (312) 474-6300	of the patents-in-suit
Philippe Van der Auwera, Ph.D., M.D. F. Hoffmann-La Roche Ltd Grenzacherstrasse 124 CH-4070 Basel Switzerland +41-61-688 1111	Development of CERA
Jenny Edge-Dallas, Ph.D. Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Early development of CERA
Anton Haselbeck, Ph.D. Roche Diagnostics GmbH Nonnenwald 2 D-82377 Penzberg, Germany +49 8856 60 2000	Development of CERA
Michael Jarsch, Ph.D. Roche Diagnostics GmbH Nonnenwald 2 D-82377 Penzberg, Germany +49 8856 60 2000	Development of CERA
Wolfgang Kuhne Roche Diagnostics GmbH Nonnenwald 2 D-82377 Penzberg, Germany +49 8856 60 2000	Validity of the patents-in-suit
Hans Koll, Ph. D. Roche Diagnostics GmbH Nonnenwald 2 D-82377 Penzberg, Germany +49 8856 60 2000	Structure of erythropoietin
Anne Stern Roche Diagnostics GmbH Nonnenwald 2 D-82377 Penzberg, Germany +49 8856 60 2000	Cell lines used in production of CERA



**CONTAINS CONFIDENTIAL MATERIAL PURSUANT TO PROTECTIVE ORDER**

<p>Adrienne Farid Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>Development of pegylated erythropoietins; growth of erythropoietin cell lines; purification of erythropoietin from cells</p>
<p>Cynthia Dinella Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>Regulatory Approval of CERA</p>
<p>Frank C. Dougherty, M.D. Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>Clinical Trials of CERA</p>
<p>Robert Joseph, M.D. Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>Clinical Trials of CERA</p>
<p>Ute Dugan, M.D. Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>Medical Affairs of CERA</p>
<p>Richard Hinson Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000</p>	<p>CERA US operations</p>
<p>Patrick Horber F. Hoffmann-La Roche Ltd Grenzacherstrasse 124 CH-4070 Basel Switzerland +41-61-688 1111</p>	<p>Global marketing of CERA</p>
<p>Barbara Senich Hoffmann-La Roche Inc.</p>	<p>Marketing of CERA</p>

340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	
Peter Scheupbach F. Hoffmann-La Roche Ltd Grenzacherstrasse 124 CH-4070 Basel Switzerland +41-61-688 1111	CERA manufacturing and production
Chrys Kokino Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	CERA US operations; sales and marketing of CERA; costs and expenses of defending the ITC proceeding and this litigation
Patricia Rocha Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Legal expenditures incurred by Roche defending the ITC proceeding and this litigation
John Keefe Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Marketing of CERA
Ken Miller	Marketing of CERA
Steve Platt Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Roche's costs and expenses, including those incurred defending the ITC proceeding and this litigation
Suzann Duncan Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Sales forecasting of CERA
Paul Benson Hoffmann-La Roche Inc. 340 Kingsland Street	Knowledge of ESA market and Amgen anticompetitive acts and statements to providers

**CONTAINS CONFIDENTIAL MATERIAL PURSUANT TO PROTECTIVE ORDER**

Nutley, New Jersey 07110 (973) 235-5000	
Susan Graf Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Marketing of CERA
Gaby Pollack Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Sales forecasting of CERA
Sonders Beimfohr Hoffmann-La Roche Inc. 340 Kingsland Street Nutley, New Jersey 07110 (973) 235-5000	Pricing forecasts and strategies of CERA
Pascal Bailon, Ph.D. 21 Woodbine Rd Florham Park, NJ 07932-2649 (973) 966-0710	Inventor of CERA patent
Daniel Shouval Professor of Medicine Director, Liver Unit P. O. Box 1200 11-91120 Jerusalem Israel Tel: 972-2-6777337	Knowledge of erythropoietin-producing cell lines prior to Amgen's EPO patents
James Fisher Department of Pharmacology SL83 Tulane University School of Medicine 1430 Tulane Avenue New Orleans, LA 70112-2699 (504) 988-5444	Knowledge of erythropoietin-producing cell lines prior to Amgen's EPO patents
Linda Cain Nephrology Specialists 5320 Patterson Ave. # 200 Richmond, VA 23226 (804) 285-3384	Knowledge of ESA market and Amgen anticompetitive acts and statements to providers

<p>Shaun Collard, R.Ph.                  DaVita, Inc.                  601 Hawaii St.                  El Segundo, CA 90245                  (310) 536-2400</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>LeAnne Zumwalt                  DaVita, Inc.                  601 Hawaii St.                  El Segundo, CA 90245                  (310) 536-2400</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>Dennis Kogod                  DaVita, Inc.                  601 Hawaii St.                  El Segundo, CA 90245                  (310) 536-2400</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>Franklin Gaylis                  Sharp Health Care                  8851 Center Drive #501                  La Mesa, CA 91942                  (619) 697-2456</p>	<p>Knowledge of erythropoietin-producing cell lines prior to Amgen's EPO patents</p>
<p>Anthony Messana                  St. Joseph Dialysis Center                  1100 West Stewart Drive                  Orange, California</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>Maureen Michael                  Central Florida Kidney Center                  203 Ernestine Street                  Orlando, FL 32801                  (407) 843-6110</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>Tracy Mooney                  Independent Dialysis Foundation, Inc.                  840 Hollins St.                  Baltimore, MD 21201</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers</p>
<p>Gordon Wilcox                  Hoffmann-La Roche Inc.                  340 Kingsland Street                  Nutley, New Jersey 07110                  (973) 235-5000</p>	<p>Knowledge of ESA market and Amgen anticompetitive acts and statements to providers.</p>

All Roche employees may be contacted only through its undersigned counsel at its designated contact information. Roche reserves the right to incorporate the names of potential fact witnesses contained in the statements of the other parties to this action. Expert witnesses will be identified and disclosed in accordance with a schedule set by the Court.

**B. Description of Potentially Relevant Documents**

For purposes of this initial disclosure, and reserving all objections and privileges regarding production and discovery of said documents, Roche identifies the following categories of documents that it may use to support its claims or defenses:

<b>DESCRIPTION</b>	<b>LOCATION</b>
Documents relating to the development of CERA	Nutley, New Jersey Basel, Switzerland Penzberg, Germany Mannheim, Germany
Document relating to the clinical trials of CERA	Nutley, New Jersey Basel, Switzerland
Documents relating to the research and development of CERA, including laboratory notebooks	Nutley, New Jersey Basel, Switzerland Penzberg, Germany
Documents relating to comparisons of CERA to other ESAs	Nutley, New Jersey Basel, Switzerland Penzberg, Germany
Documents relating to testing methods in asserted patents.	Penzberg, Germany
Prior art of the patents-in-suit	In the public domain Thousand Oaks, California New York, New York

Documents from prior legal proceedings involving the patents-in-suit;	New York, New York Washington, D.C. Thousand Oaks, California
Documents related to costs for development and clinical trials for CERA	Nutley, New Jersey Basel, Switzerland
Documents relating to Roche Counterclaims	Thousand Oaks, California and various Amgen offices
Documents related to potential US marketing of CERA	Nutley, New Jersey
Documents relating to invalidity and unenforceability of Amgen asserted patents	Thousand Oaks, California and various Amgen offices
Documents related to manufacturing of CERA	Penzberg, Germany Mannheim, Germany

**C. Calculation of Damages**

Roche has not completed its calculation for monetary damages related to its counterclaims, and will supplement these statements after Amgen complies with Roche's discovery requests. Roche will further supplement this disclosure after such discovery is completed or otherwise as required under Rule 26.

Based on Amgen's decision to waive and forgo any damages, compensatory or otherwise, as a tactic to deprive Roche of its constitutional right to a jury trial on Amgen's claims (even though Roche contends that they are entitled to a trial by jury), Amgen is estopped, has waived, and is precluded from seeking, asserting or maintaining a claim for damages, compensatory or otherwise, for any damages, whether past, current or future, in the event that Amgen is

successful on its claims and the Court determines that a permanent injunction is not warranted in this case.

**D. Insurance Agreements**

Roche is currently unaware of any insurance, indemnification, or like agreement under which anyone may be liable to satisfy all or part of any judgment that may be entered in this action.

**E. Expert Witnesses**

At this time, Roche has not yet identified any expert witnesses it intends to call at trial. Roche will further supplement this disclosure as required under Rule 26 once experts submit reports in this case.

DATED: Boston, Massachusetts  
March 27, 2007

F. HOFFMANN-LA ROCHE LTD,  
ROCHE DIAGNOSTICS GMBH, and  
HOFFMANN-LA ROCHE INC.

By its attorneys,

/s/ Patricia A. Carson

Leora Ben-Ami (*pro hac vice*)  
Patricia A. Carson (*pro hac vice*)  
Thomas F. Fleming (*pro hac vice*)  
Howard Suh (*pro hac vice*)  
Peter Fratangelo (BBO# 639775)  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Tel: (212) 836-8000

Lee Carl Bromberg (BBO# 058480)  
Julia Huston (BBO# 562160)  
Keith E. Toms (BBO# 663369)  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110  
Tel. (617) 443-9292

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was served upon the attorneys of record for the plaintiff (as listed below) by overnight mail on the above date.

Lloyd R. Day, Jr. (*pro hac vice*)  
David A. Madrid (*pro hac vice*)  
Linda A. Sasaki-Baxley (*pro hac vice*)  
Deborah Fishman (*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

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: (617) 289-9200  
Facsimile: (617) 289-9201

Kevin M. Flowers (*pro hac vice*)  
Thomas I. Ross (*pro hac vice*)  
Mark H. Izraelewicz (*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

/s/ Peter Fratangelo  
Peter Fratangelo

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