

## **EXHIBIT 4**

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April 9, 2007

VIA E-MAIL & FACSIMILE

Thomas F. Fleming  
Kaye Scholer LLP  
425 Park Avenue  
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**Re: *Amgen Inc. v. F. Hoffmann LaRoche Ltd., et al. (05-CV-12237 WGY)***

Dear Tom:

I write to designate Drs. Arnie Berk, Ralph Bradshaw, Gene Goldwasser, Randy Wall and Mr. Steve Kunin in accordance with our proposed Protective Order at ¶¶ 9 (c) and 13, and to notify you of our intention to share Confidential Discovery Material with them. I enclose a current copy of the curriculum vitae for each of these individuals as well as a signed copy of the agreement to abide by the terms of the parties' protective order for each. In addition, I enclose a signed copy of the agreement to abide by the parties' protective order for Dr. Adamson, who was disclosed to you many months ago (on December 6, 2006) and before our protective order had been finalized.

Very truly yours,

DAY CASEBEER  
MADRID & BATCHELDER LLP



Deborah E. Fishman

DEF:rlp

Enclosures (11)

cc: Michele Moreland  
Mark Israelewicz  
Hank Heckel  
Peter Fratangelo

ATTACHMENT A

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMGEN INC., )  
)  
Plaintiff, )  
v. ) Civil Action No.: 05 Civ. 12237 WGY  
)  
F. HOFFMANN-LA ROCHE LTD, ROCHE )  
DIAGNOSTICS GmbH, and HOFFMANN- )  
LA ROCHE INC., )  
Defendants. )  
)  
)

AGREEMENT TO ABIDE BY PROTECTIVE ORDER

The undersigned represents that he or she is affiliated with [Plaintiff Amgen, Inc.] [Defendants F. Hoffman-La Roche Ltd, Roche Diagnostics GmbH, and Hoffman-LaRoche Inc.], in the above captioned matter. The undersigned is involved in this litigation as expert [e.g., outside counsel, expert or consultant retained by outside counsel]. If an attorney, the undersigned is admitted in \_\_\_\_\_ [all jurisdictions]. The undersigned has read the Protective Order issued on 2 Feb 07 by the Honorable William G. Young in this matter, and in accordance with that Order, hereby agrees:

- (1) To be bound by the terms of the Protective Order;
- (2) Not to reveal Confidential Discovery Material under this Protective Order to anyone other than another person authorized to have access to it pursuant to Paragraphs 9 and 10 of the Protective Order;
- (3) To comply with the procedures set forth in Paragraph 4 of the Protective Order with respect to Restricted Access Confidential BLA/IND Material;

- (4) To use such Confidential Discovery Material solely for purposes of this litigation, unless permission is received from the Supplier, or the Court, to use it for other purposes.

Dated: 6 Apr 07

Respectfully submitted,

*Arnold Bunk*  
University of California, Los Angeles  
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ARNOLD J. BERK  
CURRICULUM VITAE

Date and Place of Birth

23 December 1949, Los Angeles, California

Education

1971 - A. B. University of California at Berkeley, Berkeley, California

1976 - M. D. Stanford University School of Medicine, Stanford, California

Professional Experience

1971 - 1976 Medical Scientist Training Program Fellow  
Stanford University School of Medicine  
Advisor: Dr. David A. Clayton

1977 - 1978 Helen Hay Whitney Foundation Fellow  
Massachusetts Institute of Technology  
Advisor: Dr. Phillip A. Sharp

1978 - 1982 Assistant Professor, Department of Microbiology  
University of California, Los Angeles

1982 - 1986 Associate Professor, Department of Microbiology  
University of California, Los Angeles

1986-present Professor, Department of Microbiology  
University of California, Los Angeles

1988 - 1992 Chairman, Department of Microbiology  
University of California, Los Angeles

1992 - 1994 Associate Director, Molecular Biology Institute  
University of California, Los Angeles

1994-2001 Director, Molecular Biology Institute  
University of California, Los Angeles

Honors and Awards

1971	Phi Beta Kappa, University of California, Berkeley
1976-1979	Helen Hay Whitney Fellow
1979	Trygve Tuve Lecturer National Institute of General Medical Science
1981 - 1986	American Cancer Society Faculty Research Award
1983 - 1986	Postdoctoral Selection Committee American Cancer Society, California Division
1984 - 1988	Genetics Panel, National Science Foundation
1985 - 1992	Editor, <u>Virology</u>
1986 - 1992	Editorial Board, <u>Molecular Cell Biology</u>
1986 - 1992	Editorial Board, <u>Nucleic Acids Research</u>
1986	Chairman, Animal Cells and Viruses Gordon Conference
1987	Merit Award, National Institutes of Health
1988-1995	Postdoctoral Fellowship Selection Committee American Cancer Society, California Division
1991-1995	Chair, Postdoctoral Selection Committee American Cancer Society, California Division
1994	College of Letters and Science's Faculty Award University of California, Los Angeles
1994-1997	NIH Review Panel for the Frederick Cancer Research and Development Center
1995	Merit Award, National Institutes of Health
1997-2001	NIH Molecular Biology Y Study Section
1998	Elected Fellow, American Adacemy of Arts and Sciences
1998-2005	Howard Hughes Medical Institute Scientific Review Board
2003	Merit Award, National Institutes of Health

2005

Dean's Award, Life Sciences UCLA College of Letters and Sciences,  
Speaker in College Science Research Colloquium Series Jan 14, 2005

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