

EXHIBIT 9

DAY CASEBEER
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May 21, 2007

VIA E-MAIL & FACSIMILE

**Highly Confidential
Pursuant to Protective Order**

Leora Ben-Ami
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022-3598

Re: *Amgen Inc. v. F. Hoffmann –La Roche Ltd., et al. (05-CV-12237WGY)*

Dear Leora:

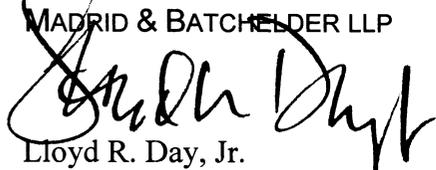
It is with great sadness that I write to inform you that, subsequent to his expert report, Dr. Eschbach was diagnosed with a grave illness. As things stand at present, his condition precludes him from serving in any capacity in connection with this matter. As a result of his condition, he is conserving his energy and time for his family and by no means is capable of participating in a deposition of any sort. Given the suddenness of this development, for now he has requested that the details of his condition be kept private and we hereby designate this letter and the information it contains as Highly Confidential under the protective order.

We learned of Dr. Eschbach's condition mid-last week and have since been assessing the situation and consulting with our client. Although no decisions have yet been made on how to proceed, it appears that Amgen will have to retain new expert(s) to handle the matters addressed in Dr. Eschbach's report and any additional matters raised by supplementation of Dr. Spinowitz's original report. Amgen, of course, will offer those expert(s) for deposition in advance of trial.

As Dr. Eschbach and his family grapple with this devastating and tragic situation, we trust that all inquiries or communications that regard Dr. Eschbach will be directed to us and that neither he nor his family will be disturbed in any way. We thank you in advance for your cooperation and understanding in this regard.

Sincerely,

DAY CASEBEER
MADRID & BATCHELDER LLP



Lloyd R. Day, Jr.