

CONTAINS HIGHLY CONFIDENTIAL AMGEN, ROCHE, AND THIRD PARTY INFORMATION PURSUANT TO PROTECTIVE ORDER

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

EXHIBIT B

AMGEN INC.,	}	
Plaintiff,	}	CIVIL ACTION No.: 05-cv-12237WGY
vs.	}	
F. HOFFMANN-LA ROCHE LTD, ROCHE	}	
DIAGNOSTICS GmbH, AND HOFFMANN-LA	}	
ROCHE INC.,	}	
Defendants.	}	

PLAINTIFF’S SUPPLEMENTAL RESPONSE TO FOURTH SET OF INTERROGATORIES (NO. 41)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (“FRCP”), Plaintiff/Counter Defendant Amgen Inc. (“Amgen”) hereby supplements its objections and, in part, its responses to “Defendants’ Fourth Set of Interrogatories (No. 41).”

PRELIMINARY STATEMENT

1. Amgen’s responses to Defendants’ Fourth Set of Interrogatories are made to the best of Amgen’s present knowledge, information and belief. Amgen’s responses are subject to amendment and supplementation should future investigation indicate that amendment or supplementation is necessary. Amgen undertakes no obligation, however, to supplement or amend these responses other than as required by the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Massachusetts.

2. Amgen’s responses to Defendants’ Fourth Set of Interrogatories are made according to information currently in Amgen’s possession, custody and control, including information produced in this litigation by Roche and/or others that is in the possession of Amgen’s attorneys.

3. To the extent that Amgen responds to Defendants’ Fourth Set of Interrogatories by stating information that is private, confidential, highly confidential, proprietary, trade secret or otherwise protected from disclosure, Amgen will respond pursuant to the terms of the

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The Court has dismissed Roche's sham litigation claim. Therefore, Roche is estopped from introducing facts or arguments related to the sham litigation claim.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 41:

Second Affirmative Defense – Equitable Estoppel re Validity of Amgen's Patents

In June 2001, Roche, Johnson & Johnson, Genetics Institute, Inc., and Kirin Amgen, Inc., a company in which Amgen holds a 50 percent stock ownership, signed a Settlement Agreement to settle "various litigation actions in a variety of countries." Included in the settlement are

redacted

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redacted

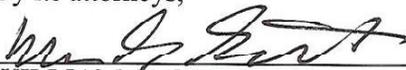
July 20, 2007

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