

# **EXHIBIT**

## **5**

DAY CASEBEER  
MADRID & BATCHELDER LLP

20300 Stevens Creek Blvd., Suite 400  
Cupertino, CA 95014  
Telephone: (408) 873-0110  
Facsimile: (408) 873-0220

Renee DuBord Brown  
(408) 342-4551  
rbrown@daycasebeer.com

August 16, 2007

VIA E-MAIL

Tom Fleming, Esq.  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022-3598

**Re: *Amgen Inc. v. F. Hoffman-Roche, Ltd., et al.***  
Civil Action No: 05-12237-WGY

Dear Tom:

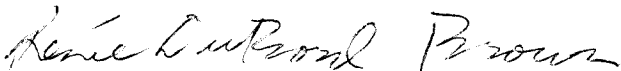
Yesterday I was forwarded an email from you indicating that Roche intends to call Dr. Lin live in its invalidity case during the week of 9/4/07. We request that you provide us with a three-day window of time in which you expect to call Dr. Lin.

In addition, if you plan to call other Amgen witnesses in your case-in-chief, please provide us with notice immediately of who you intend to call, and a three-day window of time in which you plan to call them.

Please let me know when you intend to call Dr. Egrie. I requested this information in my previous letter of July 30, 2007 but have not received a response. Dr. Egrie has requested this information.

Regards,

DAY CASEBEER  
MADRID & BATCHELDER LLP



Renee DuBord Brown

RB:paw

cc: Julia Huston  
Patricia Rich