

EXHIBIT

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DAY CASEBEER
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August 27, 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:

I write in response to your letter of August 27, 2007 and the deposition designations that accompanied it.

Joan Egrie, Eugene Goldwasser, Steven Elliott and Thomas Strickland are all scheduled to appear live at trial, and Roche should examine them live instead of using deposition designations. Please provide me with your justification for presenting deposition excerpts of these witnesses.

Nevertheless, Amgen will also provide you with counterdesignations for these witnesses. We also reserve our right to offer live testimony as counters for your designations.

As Joan Egrie, Eugene Goldwasser, Steven Elliott and Thomas Strickland should be presented by Roche live, please immediately provide me with a three-day window during which you intend to offer their testimony. Even if you maintain your insistence upon the use of designations for these witnesses, we require this three-day window in order to ensure they are present for live counters.

As I told you in my two previous letters of August 24 and August 26, Amgen requires at least 36 hours to provide counterdesignations and objections. We will send you our counterdesignations on or before midnight PST on Tuesday, August 28.

Furthermore, as noted in my letter of August 26, we are entitled to review and approve the final version of all transcripts before submission to the Court. Please provide us with final copies by noon PST on Wednesday, August 29 for our review.

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In light of the Court's request for seven days advance notice, the party planning to use designations should submit them to the opposing party at least ten days in advance of offering the designations.

Regards,

DAY CASEBEER
MADRID & BATCHELDER LLP

A handwritten signature in cursive script, appearing to read "Renee DuBord Brown".

Renee DuBord Brown

RB:paw

cc: Hank Heckel
Julia Huston
Patricia Rich