

EXHIBIT

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DAY CASEBEER
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August 28, 2007

VIA EMAIL

Thomas Fleming
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:

Enclosed please find Amgen's counterdesignations and objections to Roche's trial designations for Baron, Boone, Egrie, Elliott, Goldwasser, Hood, Lai, Molineux, and Strickland.

Amgen objects to your late production of Goldwasser's designations *today* at 2:50 pm PST as completely contrary to the agreed-upon schedule. Furthermore, you provided us with two different, inconsistent versions of Goldwasser designations. As we noted previously in several letters, Amgen is entitled to at least 36 hours to provide designations and counterdesignations. Nevertheless, Amgen has included preliminary counterdesignations and objections for Goldwasser in the attachment to this letter, but we reserve the right to take the full 36 hours to complete our review and make revisions as necessary.

Please ensure that our objections are noted on the transcripts that are submitted to the Court and that our designated objections are highlighted in red. In addition, please ensure that our general objections to the entire designations of specific witnesses are included and obvious in the final version of the transcripts that you prepare for the Court.

As noted in my letter of August 27, please send us the final transcript versions by noon PST on Wednesday, August 28 before submission to the Court, so that we can verify the accuracy of the counterdesignations and objections.

We assume that you will be putting together the final video or transcript versions of these designations and counters after objections have been ruled upon. Please provide us with the final

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video or transcript versions for our review no later than 5 PM two days before Roche intends to play or read the deposition designations in Court.

We assume that you will be compiling the video to play designations and counters in the order in which the testimony occurred in the deposition.

As noted in my August 27 letter to you, 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. Despite my request, you have not provided Amgen with any justification for presenting deposition testimony of these witnesses. Please do so immediately.

Furthermore, as I requested in my August 27 letter, 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. Given that you have indicated your intention to begin playing designations as early as September 5, we require this information no later than tomorrow, Wednesday August 28 in order to make the necessary travel arrangements.

Regards,

DAY CASEBEER
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Renee DuBord Brown

Enclosure

cc: Peter Frantangelo
Julia Huston
Patricia Rich