

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

IN RE AMGEN INC.
SECURITIES LITIGATION

Case No. CV 07-2536 PSG (PLAx)
Honorable Philip S. Gutierrez

NOTICE OF PENDENCY OF CLASS ACTION

To: All persons and entities that purchased the publicly traded securities of Amgen Inc. (“Amgen” or “the Company”) during the period from April 22, 2004 through May 10, 2007, inclusive, and were damaged thereby.

*A federal court has authorized this notice.
This is not a solicitation from a lawyer.*

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.
YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT
PENDING IN THIS COURT.**

This Notice is being sent pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Central District of California (the “Court”) to inform you (a) of a class action lawsuit that is pending in the Court under the above caption (the “Action”) against (i) Amgen and (ii) Kevin W. Sharer, Richard D. Nanula, Roger M. Perlmutter, and George J. Morrow (collectively, the “Individual Defendants” and, together with Amgen, “Defendants”), and (b) that the Action has been certified by the Court to proceed as a class action on behalf of a class of purchasers of Amgen securities.

1. The “Class” consists of: All persons and entities that purchased the publicly traded securities of Amgen during the period from April 22, 2004 through May 10, 2007, inclusive (the “Class Period”), and were damaged thereby. Excluded from the Class are: (a) Defendants; (b) former Defendants; (c) the affiliates and subsidiaries of the Company, including the Company’s employee retirement and benefit plan(s); (d) the officers and directors of the Company and its subsidiaries and affiliates at all relevant times; (e) members of the immediate family of any excluded person; (f) the legal representatives, heirs, successors, and assigns of any excluded person; and (g) any entity in which any excluded person has or had a controlling interest.

2. This Notice is directed to you because you may be a member of the Class. If you are a member of the Class, your rights will be affected by this Action. If you do not meet the Class definition, this Notice does not apply to you. If you are uncertain whether you are a member of the Class, contact Class Counsel listed in paragraph 28 below, or your own attorney.

3. This Notice is not an admission by Defendants or an expression of any opinion of the Court concerning the merits of the Action, or a finding by the Court that the claims asserted by the Class Representative, Connecticut Retirement Plans and Trust Funds (“Connecticut Retirement” or “Class Representative”), in this case are valid. This Notice is intended solely to advise you of the pendency of the Action and of your rights in connection with it. There is no settlement or monetary recovery at this time. Defendants have denied the Class Representative’s claims and contend that they are not liable for the harm alleged by the Class Representative.

4. The Class definition may be subject to change by the Court pursuant to Rule 23 of the Federal Rules of Civil Procedure.

PLEASE DO NOT CALL OR WRITE THE COURT.

OVERVIEW AND STATUS OF THIS ACTION

5. Class Representative asserts that Defendants misled and defrauded investors concerning the safety, marketing, and market demand of two of Amgen's flagship products – Aranesp® (darbepoetin alfa) and Epogen® (epoetin alfa) allegedly in violation of the federal securities laws.

6. Beginning in April 2007, several putative securities fraud class actions were filed against Defendants in the United States District Court for the Central District of California related to statements made by Defendants concerning Aranesp® and Epogen®.

7. On July 31, 2007, the Court entered an Order consolidating the securities class actions and appointing Connecticut Retirement as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995. In the same Order, the Court approved Connecticut Retirement's selection of Labaton Sucharow LLP ("Labaton Sucharow") as Lead Counsel for the proposed class.

8. On October 1, 2007, Class Representative filed its Consolidated Amended Class Action Complaint ("Complaint"), asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 promulgated thereunder.

9. On November 8, 2007, Defendants moved to dismiss the Complaint. On February 1, 2008, the Court issued an Order granting in part and denying in part the motion to dismiss the Complaint. Thereafter, on April 2, 2008, Defendants filed their answer to the Complaint.

10. On March 4, 2009, Connecticut Retirement moved for class certification, appointment as Class Representative, and appointment of Labaton Sucharow as Class Counsel. Defendants opposed the motion.

11. On August 12, 2009, the Court issued an Order granting Connecticut Retirement's motion certifying the Class and appointing Connecticut Retirement as Class Representative ("Class Certification Order"). Labaton Sucharow was appointed Class Counsel by a subsequent order entered on October 29, 2013.

12. On August 28, 2009, Defendants filed a petition in the United States Court of Appeals for the Ninth Circuit (the "Ninth Circuit") seeking leave to appeal the Court's Class Certification Order ("Rule 23(f) Appeal"). On December 11, 2009, the Ninth Circuit granted Defendants' petition.

13. On December 29, 2009, Defendants moved to stay further proceedings pending the resolution of the Rule 23(f) Appeal. On February 2, 2010, the Court issued an Order Granting Defendants' Motion to Stay ("Stay Order").

14. On October 14, 2011, the Ninth Circuit heard oral argument on Defendants' Rule 23(f) Appeal, and thereafter affirmed the Class Certification Order on November 8, 2011.

15. On March 1, 2012, Defendants filed a petition for a writ of *certiorari* with the United States Supreme Court, which was granted. On November 5, 2012, the Supreme Court heard oral argument and on February 27, 2013, the Supreme Court affirmed the decision of the Ninth Circuit. A judgment from the Supreme Court was issued on April 1, 2013.

16. Thereafter, the parties resumed litigating before the Court, including conducting discovery.

17. On February 25, 2014, Class Representative filed an *ex parte* application concerning the parties' disagreement relating to the need to amend the pleadings and requesting that the parties appear at a case management conference. A case management conference was held on March 10, 2014. Pursuant to the guidance provided by the Court at the March 10, 2014 conference, Class Representative elected to amend its pleadings.

18. On April 22, 2014, Class Representative filed a Corrected Second Amended Complaint ("Amended Complaint"). The operative Amended Complaint alleges that Defendants violated the federal securities laws by making false and misleading statements or omissions about Aranesp® and Epogen®. The Amended Complaint alleges that these false statements and omissions caused the price of Amgen securities to be artificially inflated during the Class Period and that the price of Amgen securities declined when the alleged truth was disclosed and the alleged risks materialized.

19. On May 13, 2014, Defendants filed a motion to dismiss the Amended Complaint, which Class Representative opposed on June 26, 2014. On August 4, 2014, the Court granted in part and denied in part Defendants' motion to dismiss the Amended Complaint.

20. On September 17, 2014, Defendants filed their Answer and Affirmative Defenses to the Amended Complaint.

21. The parties are currently conducting discovery. A trial is scheduled for July 12, 2016.

YOUR RIGHTS AS A CLASS MEMBER

22. A class action is a type of lawsuit in which one or several individuals or entities prosecute claims on behalf of all members of a group of similarly-situated persons and entities to obtain monetary or other relief for the benefit of the entire group. Class actions avoid the necessity of each member of a class having to file his, her or its own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class.

23. If you purchased the publicly traded securities of Amgen between April 22, 2004 and May 10, 2007, inclusive, and were damaged thereby and you are not excluded from the Class, you are a member of the Class. If you are a member of the Class, you have the right to decide whether to remain a member of the Class. If you are a member of the Class and wish to be excluded from the Class, you must request exclusion in accordance with the procedure set forth in paragraph 25, below. ***If you choose to remain a member of the Class, you do not need to do anything at this time other than to retain your documentation reflecting your transactions in Amgen securities as discussed below in paragraph 24.*** Your decision is important for the following reasons:

- (a) **If you choose to remain a member of the Class**, you will be bound by all past, present and future orders and judgments in the Action, whether favorable or unfavorable. If any money is awarded to the Class, either through a settlement with Defendants or a judgment of the Court after a trial, you may be eligible to receive a share of that award. However, if you remain a member of the Class, you may not pursue a lawsuit on your own behalf with regard to any of the issues in this Action.

Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, the Class Representative will request that the Court allow a second opportunity to request exclusion from the Class if there is a future settlement, however it is within the Court's discretion whether to allow a second opportunity to request exclusion.

Please note that if you remain a member of the Class, you will not be personally responsible for Class Counsel's attorneys' fees or expenses. Class Counsel have agreed to represent the Class on a contingent fee basis, which means that they will be awarded fees and expenses by the Court only if they succeed in obtaining a recovery from one or more Defendants. Any attorneys' fees for Class Counsel will be awarded by the Court from a settlement or judgment, if any, obtained on behalf of the Class.

As a member of the Class you will be represented by Class Counsel. You may remain a member of the Class and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you will be responsible for those attorneys' fees and expenses and such counsel must enter an appearance on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel at the address set forth in paragraph 28 below **on or before February 16, 2016**.

- (b) **If you choose to be excluded from the Class**, you will not be bound by any future order or judgment in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action. You will retain any right you have to individually pursue any legal rights, if any, that you may have against any Defendants with respect to the claims asserted in the Action. Please refer to paragraphs 25-27 below if you would like to be excluded from the Class.

24. Members of the Class will be eligible to participate in any recovery that might be obtained in the Action. While this Notice is not intended to suggest any likelihood that Class Representative or members of the Class will obtain any such recovery, should there be one, members of the Class will be required to support their requests to participate in the distribution of any such recovery by demonstrating their membership in the Class and documenting their purchases and sales of Amgen securities and their resulting damages. ***For this reason, please be sure to keep all records of your transactions in these securities.***

HOW TO BE EXCLUDED FROM THE CLASS

25. If you wish to be excluded from the Class, you must specifically request exclusion in accordance with the following procedures. To exclude yourself from the Class, you must send a letter by first-class mail stating that you "request exclusion from the Class in *In re Amgen Inc. Securities Litigation*, Civil Action No. CV-07-2536 (C.D. Cal.)." Your request must (i) state the name, address and telephone number of the person or entity requesting exclusion; (ii)

state the number of Amgen securities purchased and/or sold during the Class Period as well as the dates and prices of each such purchase and/or sale; and (iii) be signed by the person or entity requesting exclusion or an authorized representative. You must mail your exclusion request, **postmarked by no later than February 16, 2016**, to:

In re Amgen Inc. Securities Litigation
PO Box 4178
Portland, OR 97208-4178

You cannot exclude yourself from the Class by telephone or by e-mail. A request for exclusion shall not be valid unless it contains all the information called for by this paragraph and is postmarked by the date stated above, or is otherwise accepted by the Court.

26. If your request for exclusion complies with the requirements set forth above, you will not be bound by any future order or judgment in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action.

27. Do not request exclusion from the Class if you wish to participate in this Action as a member of the Class.

CLASS COUNSEL

28. As a member of the Class, you will be represented by Class Counsel, who is:

Thomas A. Dubbs
Christopher J. McDonald
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
www.labaton.com
(888) 219-6877

29. As noted above, unless you elect to retain your own personal lawyer, by remaining in the Class you will not subject yourself to any direct obligations to pay the costs of the litigation. In the event there is a recovery by the Class in this Action, all costs and expenses of the Action, including Class Counsel's attorneys' fees, will be paid from that recovery in an amount approved by the Court. If there is no recovery, Class Counsel will not receive any attorneys' fees or payment of its expenses.

PLEASE KEEP YOUR ADDRESS CURRENT

30. To assist the Court and the parties in maintaining accurate lists of Class members, you are requested to mail notice of any changes in your address to:

In re Amgen Inc. Securities Litigation
PO Box 4178
Portland, OR 97208-4178

31. If this Notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Administrator, Epiq Class Action & Claims Solutions, Inc. at the address above or by calling 800-462-2317 and provide them with your correct address. If the Administrator does not have your correct address, you may not receive notice of important developments in this Action.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

32. This Notice gives only a summary of the lawsuit and the claims asserted by Class Representative. For more detailed information regarding the Action, you may visit www.amgensecuritieslitigation.com or contact Class Counsel.

PLEASE DO NOT CALL OR WRITE THE COURT.

NOTICE TO SECURITIES BROKERS AND OTHER NOMINEES

33. If, for the beneficial interest of any person or entity other than yourself, you purchased Amgen publicly traded securities during the period between April 22, 2004 and May 10, 2007, inclusive, **THE COURT HAS ORDERED THAT YOU MUST EITHER (A) WITHIN FOURTEEN (14) CALENDAR DAYS** of receipt of this Notice, provide a list of the names and addresses of all such beneficial owners to the Administrator at *In re Amgen Inc. Securities Litigation*, PO Box 4178, Portland, OR 97208-4178; or **(B) WITHIN FOURTEEN (14) CALENDAR DAYS** of receipt of this Notice, request from the Administrator sufficient copies of the Notice to forward to all such beneficial owners and **WITHIN SEVEN (7) CALENDAR DAYS** of receipt of those Notices forward them to all such beneficial owners. If you choose option “A”, the Administrator will send a copy of the Notice to the beneficial owners. If you choose option “B”, **THE COURT HAS ALSO ORDERED** that you must send a statement to the Administrator confirming that the mailing was made and you must retain your mailing records for use in connection with any further notices that may be provided in the Action. Upon **FULL AND TIMELY** compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred by providing the Administrator with proper documentation supporting the expenses for which reimbursement is sought.

Dated: December 3, 2015

BY ORDER OF THE COURT:
United States District Court
Central District of California