

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05 CV 12237 WGY
)	
F. HOFFMANN-LAROCHE LTD.,)	
a Swiss Company, ROCHE DIAGNOSTICS)	
GMBH, a German Company, and)	
HOFFMANN-LA ROCHE INC., a New)	
Jersey Corporation,)	
)	
Defendants.)	

**AMGEN’S MOTION FOR LEAVE TO FILE A REPLY IN FURTHER SUPPORT OF
ITS EMERGENCY MOTION FOR ORDER PRECLUDING ROCHE FROM
ARGUING THAT THE ‘933, ‘422 AND ‘349 PATENT CLAIMS ARE
INVALID FOR OBVIOUSNESS-TYPE DOUBLE PATENTING OVER
THE ‘868 AND ‘698 PATENT CLAIMS**

Plaintiff Amgen Inc. respectfully moves for leave to reply to Roche’s Opposition to Amgen’s Emergency Motion for Order Precluding Roche from Arguing That the ‘933, ‘422 and ‘349 Patent Claims Are Invalid for Obviousness-Type Double Patenting Over the ‘868 and ‘698 Patent Claims. Amgen’s proposed reply is attached hereto as Exhibit A.

In support of this motion, Amgen states that its proposed reply is limited to the issues raised in Roche’s Opposition, is concise, and will be of assistance to the Court.

Dated: September 6, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion and no agreement was reached.

/s/ Patricia R. Rich
Patricia R. Rich

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of electronic filing and paper copies will be sent to those indicated as non-registered participants on September 6, 2007.

/s/ Patricia Rich
Patricia R. Rich