

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
 AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 )  
 F. HOFFMANN-LAROCHE )  
 LTD., a Swiss Company, ROCHE )  
 DIAGNOSTICS GmbH, a German )  
 Company and HOFFMANN LAROCHE )  
 INC., a New Jersey Corporation, )  
 )  
 \_\_\_\_\_  
 Defendants. )

**C.A. NO.: 05-12237-WGY**

**AMGEN INC.’S MOTION TO FILE A DOCUMENT UNDER SEAL**

Pursuant to Local Rule 7.2(e), Plaintiff Amgen Inc. (“Amgen”) hereby moves this Court for leave to file under seal its Motion for Leave to File a Reply to Respondents' Opposition to Complainant's Petition for Review of Initial Determination and the Complainant Amgen Inc.'s Reply to Respondents' Opposition to Complaint's Petition for Review of Initial Determination Granting Summary Determination (attached to the Motion as an Exhibit), which were filed with the ITC on July 26, 2006 (collectively the “Reply”). As grounds for this motion, Amgen states that the Reply responds to the assertions made by Defendants in their Opposition to Complainant’s Petition for Review of Initial Determination, which Defendant sought, on July 26, 2006, to file under Seal with the Court. If the Court allows Defendants to file such document under seal, it should allow Amgen to file the Reply under seal, as the Reply will provide the Court with the complete record regarding the ALJ’s Initial Determination.

Because the Reply contains confidential information of Defendants and therefore,

pursuant to the Protective Order entered into in the ITC Proceeding (the “ITC Protective Order”), must be kept confidential, Amgen must seek leave of the Court to file it under seal.

WHEREFORE, Amgen respectfully requests that the Court grant its motion for leave to file the Reply under seal and that should the Court grant this motion as requested, that the Court order that the documents remain under seal until such time as a further order of the Court issues.

Dated: July 27, 2006

Respectfully Submitted,

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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 that counsel for F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc., and Roche Diagnostics, GmbH does not assent to Amgen's request.

/s/ Michael R. Gottfried  
Michael R. Gottfried

**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 July 27, 2006.

/s/ Michael R. Gottfried  
Michael R. Gottfried