

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD)	
ROCHE DIAGNOSTICS GmbH)	
and HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
_____)	

**NOTICE OF SERVICE OF CONFIDENTIAL EXHIBIT TO THE DECLARATION OF
PETER FRATANGELO IN SUPPORT OF ROCHE’S MOTION *IN LIMINE* TO
PRECLUDE TESTIMONY OF PROPOSED AMGEN WITNESS NANCY SPAETH
BASED ON ADDITIONAL EVIDENCE**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively, “Roche”) hereby certify, pursuant to the Protective Order dated February 7, 2007 [docket #274], that it served on September 24, 2007 by hand delivery, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Michael Gottfried at Duane Morris LLP and Deborah Fishman at Day Casebeer Madrid & Batchelder LLP, and by Overnight mail on counsel for Ms. Spaeth, Harry H. Schneider, Jr. at Perkins Coie LLP, the following document which is designated as confidential pursuant to the protective order:

Confidential Exhibit A to the Declaration of Peter Fratangelo in Support of Roche’s Motion *In Limine* To Preclude Testimony of Proposed Amgen Witness Nancy Spaeth Based on Additional Evidence.

This document has been designated as confidential and accordingly, Roche hereby submits this exhibit for *in camera* inspection pursuant to the Protective Order. It is necessary

for the Court to review this document, as it contains important facts and admissions that are highly relevant to the present motion.

Pursuant to paragraph 14 of the Protective Order, Ms. Spaeth has four (4) Court days to seek leave of Court pursuant to Local Rule 7.2 if she seeks to have the Court deem this exhibit confidential and require its filing under seal.

Dated: September 24, 2007
Boston, Massachusetts

Respectfully submitted,

F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE INC.

By their Attorneys,

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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 (NEF). Pursuant to agreement of counsel dated September 9, 2007, paper copies will not be sent to those indicated as non registered participants.

/s/ Keith E. Toms
Keith E. Toms

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