

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

**PLAINTIFF AMGEN INC.'S MOTION FOR LEAVE TO FILE A DECLARATION IN
SUPPORT OF ITS OPPOSITION TO DEFENDANT ROCHE'S MOTION TO
PRECLUDE THE DEPOSITION TESTIMONY OF DR. EDWARD EVERETT
HARLOW**

Plaintiff Amgen Inc. respectfully moves for leave to file a supplemental declaration in support of its opposition to Defendant's Motion to Preclude the Deposition Testimony of Dr. Edward Everett Harlow. Amgen Inc.'s proposed declaration is attached hereto as Exhibit A and includes Amgen's proposed designations for Harlow. In support of this motion, Amgen states that its proposed supplemental declaration is concise, and will be of assistance to the Court.

The proposed designations will assist the Court in assessing their relevance. As those designations in the attached Exhibit 1 make clear, the proffered testimony of Roche's expert, Dr. Harlow, is relevant to Roche's invalidity allegations made before the jury in this case. As set forth in Amgen Inc.'s Opposition to Roche's Motion to Preclude the Deposition Testimony of Dr. Edward Everett Harlow (D.N. 1104), Dr. Harlow's statements are admissions of Roche and as such should be admitted into evidence.

Further, the parties are at an impasse because Roche refuses to provide counters or objections to Amgen's designations of Dr. Harlow until the underlying motions are ruled on and Amgen therefore respectfully requests the Court to rule on the underlying motions so that Amgen can submit Harlow's designated transcript to the Court in a timely fashion.

Dated: September 24, 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/ 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 September 24, 2007.

/s/ Michael R. Gottfried
Michael R. Gottfried