

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.)	
_____)	

**DEFENDANTS’ MOTION FOR LEAVE TO REPLY IN FURTHER SUPPORT OF
THEIR MOTION *IN LIMINE* TO PRECLUDE AMGEN FROM INTRODUCING THE
DEPOSITION TESTIMONY OF DR. EDWARD HARLOW, A ROCHE EXPERT
WITNESS ON THE ISSUE OF OBVIOUSNESS-TYPE DOUBLE PATENTING WHO
WILL NOT BE TESTIFYING AT TRIAL**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully submit this Motion For Leave To Reply In Further Support of Their Motion *In Limine* to Preclude Amgen From Introducing the Deposition Testimony of Dr. Edward Harlow, a Roche Expert Witness on the Issue of Obviousness-Type Double Patenting Who Will Not Be Testifying At Trial. Roche’s proposed reply brief is attached hereto as Exhibit A.

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

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.

Dated: September 26, 2007
Boston, Massachusetts

Respectfully submitted,

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

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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/ Kimberly J. Seluga
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