

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

AMGEN INC.'S MOTION TO SUPPLEMENT TRIAL EXHIBIT 2011

Amgen respectfully moves this Court to allow it to supplement Trial Exhibit 2011 by offering as Trial Exhibit 2011(A) a duplicate copy of the original declaration of Thomas Wayne Strickland Pursuant to 37 C.F.R. § 1.132.¹ A copy of that declaration is currently admitted into evidence as part of Exhibit 2011 (Bates Range AM-ITC 00941120-941135). The Strickland declaration was submitted to the Patent Office during the prosecution of U.S. patent application no. 113,178. Amgen submits that this substitution is necessary because the copy of the Strickland declaration admitted as Exhibit 2011 contains photographs that are unreadable and unclear. Amgen asks that this Court permit it to substitute this duplicate original declaration as

¹ At the time Mr. Strickland executed this declaration he executed two originals. One original was filed with the Patent Office and the second original was kept by Amgen's counsel. It is this second document that Amgen seeks to have added to the record. Amgen will provide the document to the Court in hard copy on Monday, October 1, 2007.

Exhibit 2011(A) in order that the jury and this Court may better understand the evidence portrayed in those photographs.

Dated: October 1, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

Of Counsel:

Stuart L. Watt
Wendy A. Whiteford
Monique L. Cordray
Darrell G. Dotson
Kimberlin L. Morley
Erica S. Olson
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789
(805) 447-5000

/s/ Michael R. Gottfried

D. Dennis Allegretti (BBO#545511)
Michael R. Gottfried (BBO# 542156)
Patricia R. Rich (BBO# 640578)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: (857) 488-4200
Facsimile: (857) 488-4201

Lloyd R. Day, Jr. (*pro hac vice*)
DAY CASEBEER, MADRID &
BATCHELDER LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

Michael Kendall (BBO#544866)
Daniel A. Curto (BBO #639883)
McDERMOTT WILL & EMERY
28 State Street
Boston, MA 02109
Telephone: (617) 535-4000
Facsimile: (617) 535-3800

Kevin M. Flowers (*pro hac vice*)
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

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 October 1, 2007.

/s/ Michael R. Gottfried_____

Michael R. Gottfried