

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,

Plaintiff,

v.

F. HOFFMANN-LA ROCHE, LTD, ROCHE
DIAGNOSTICS GmbH, HOFFMANN-LA
ROCHE INC.,

Defendants.

Civil Action No. 05-12237 WGY

U.S. District Judge Young

**DEFENDANTS' MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS
OF THE PAGE LIMIT IN SUPPORT OF ITS MOTION FOR A
DIRECTED VERDICT OF INVALIDITY**

Defendants F. Hoffmann-La Roche, Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively "Roche") respectfully request pursuant to Local Rule 7.1 for leave to file a 45 page memorandum in support of its motion for a directed verdict. A copy of Roche's proposed memorandum is attached hereto as Exhibit A.

Roche has made a good-faith effort to address its request for a directed verdict in the space allotted by the local rules. Given the complexity of the legal issues, however, and the sheer volume of evidence that Roche must address to adequately support its motion and respond to Amgen's renewed motion, Roche respectfully submits that it is reasonable under the circumstance to exceed the 20 page limit set by Local Rule 7.1(b)(4). Also, in order to maintain parity between the parties, Roche's motion should be allowed because Amgen was given leave to file a thirty-nine page memorandum in support of judgment as a matter of law. Thus, Roche respectfully requests that the Court grant it leave to exceed the page limit.

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 no agreement could be reached.

Dated: October 4, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys,

/s/ Nicole A. Rizzo

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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/ Nicole A. Rizzo
Nicole A. Rizzo

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