

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

**PLAINTIFF AMGEN INC.'S MOTION TO WITHDRAW WITHOUT PREJUDICE
AMGEN'S BENCH MEMORANDUM TO EXPLAIN THE RELEVANCE OF EXHIBITS
GXD AND EYV TO ISSUES OF INFRINGEMENT [DN 1360]**

Amgen Inc. respectfully requests that the Court allow it to withdraw without prejudice its Bench Memorandum to Explain the Relevance of Exhibits GXD and EYV to Issues of Infringement [DN 1360] so that it may include these exhibits with other Roche admissions contained in its Motion to Admit into Evidence Admissions of Roche Related to Infringement Prior to Close of Amgen's Case in Infringement Phase of Trial [DN 1396].

Dated: October 15, 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 October 15, 2007.

/s/ Michael R. Gottfried
Michael R. Gottfried