

**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 FOR LEAVE TO FILE A BRIEF  
IN EXCESS OF THE PAGE LIMIT IN SUPPORT OF ITS OPPOSITION TO  
ROCHE’S JUDGMENT AS A MATTER OF LAW AND AMGEN INC.’S  
CROSS-MOTION FOR JUDGMENT AS A MATTER OF LAW**

Pursuant to L.R. 7.1, Amgen Inc. respectfully moves this Court for leave to file oversized brief in support of its Opposition to Roche’s Motion for Judgment as a Matter of Law [DN 1315] (“Opposition”) and its Cross-Motion For Judgment As a Matter of Law (“Cross-Motion”).

As grounds for this motion, Amgen states that it has made a good faith attempt to address all factual and legal bases for is Opposition and Cross-Motion within the twenty page limit set by L.R. 7.1(b)(4). However, Amgen was unable to do so in light of the fact that Roche’s JMOL motion was forty-six pages in length and addressed a number of complex issues and Amgen seeks to cross-move for judgment as a matter of law on a number of basis related to the issues addressed by Roche in its JMOL. Accordingly, Amgen respectfully submits that exceeding the page limit is reasonable under the circumstances. A copy of the proposed brief is attached hereto as Exhibit A.

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/ Patricia R. Rich  
Patricia R. Rich

**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/ Patricia R. Rich  
Patricia R. Rich