

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

AMGEN, INC.,

Plaintiff,

v.

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

Defendants.

Civil Action No. 05-CV-12237 WGY

U.S. District Judge Young

**ROCHE'S MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS OF THE PAGE  
LIMIT IN SUPPORT OF ITS MOTION FOR JUDGMENT OF NON-INFRINGEMENT  
AS A MATTER OF LAW**

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 21 page motion for judgment of non-infringement as a matter of law. A copy of Roche's proposed motion, which was handed up to the Court at the close of today's hearing, 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 volume of evidence that Roche must address to adequately support its motion, Roche respectfully submits that it is reasonable under the circumstances to exceed the 20 page limit set by Local Rule 7.1(b)(4). 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 15, 2007  
Boston, MA

Respectfully submitted,

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

/s/ Thomas F. Fleming

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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/ Thomas F. Fleming \_\_\_\_\_  
Thomas F. Fleming