

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LAROCHE)
 LTD., a Swiss Company, ROCHE)
 DIAGNOSTICS GmbH, a German)
 Company and HOFFMANN LAROCHE)
 INC., a New Jersey Corporation,)
)
 Defendants.)

C.A. NO.: 05-12237-WGY

MOTION FOR LEAVE TO FILE OVER-LENGTH MEMORANDUM

The Plaintiff, Amgen Inc. (“Amgen”), respectfully moves this Court for leave to file a 29 page Memorandum in Support of its Motion to Compel Production of Documents.

Amgen states that it has made a good-faith attempt to address all of the factual and legal bases for their memorandum within the 20-page limit set by Local rule 7.1(b)(4). However, because of the number of the issues raised therein and because Amgen has set forth in the text of its memorandum thirty six (36) of the document requests and responses in dispute as set forth in L.R. 37.1, Amgen requires additional pages to fully address the matter and believes that it will benefit the court in dealing with this matter. Therefore, Amgen respectfully submits that exceeding the page limit by an additional nine pages is reasonable in this instance.

WHEREFORE, Amgen respectfully moves this Court for leave to file this over-length Memorandum in Support of its Motion to Compel Production of Documents.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for the parties conferred in an attempt to resolve or narrow the issues presented by this motion and that we have been unable to reach agreement with counsel for F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH.

/s/ Michael R. Gottfried

Michael R. Gottfried

Dated: December 14, 2006

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

Of Counsel:

Stuart L. Watt
Wendy A. Whiteford
Monique L. Cordray
Darrell G. Dotson
MarySusan Howard
Kimberlin L. Morley
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: (617) 289-9200
Facsimile: (617) 289-9201

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

William Gaede III
McDERMOTT WILL & EMERY
3150 Porter Drive
Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

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

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 December 14, 2006.

/s/ Michael R. Gottfried

Michael R. Gottfried