

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No.: 05 Civ. 12237 WGY
	)	
F. HOFFMANN-LA ROCHE LTD, ROCHE	)	
DIAGNOSTICS GmbH, and HOFFMANN-	)	
LA ROCHE INC.,	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS’ MOTION TO COMPEL  
THE PRODUCTION OF DOCUMENTS**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully move pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and L.R. 37.1 for the Court to enter the proposed order attached hereto as Exhibit A and compel the production of documents requested in “Defendants’ First Set Of Requests For The Production Of Documents And Things To Amgen Inc. (Nos. 1-123).”

1. Roche respectfully requests that the Court Order Amgen to produce documents related to pegylated compounds, including pegylated GCSF, pegylated TPO (MGDF) and pegylated NESP in response to Roche’s Document Request Nos. 19, 20, 27-35, 58, 59, 70, and 105-112. For the reasons discussed in the Memorandum In Support Of Roche’s Motion To Compel, Amgen should be compelled to produce documents related to these pegylated compounds responsive to these requests.

2. Roche respectfully requests that the Court Order Amgen to produce documents related to the research and development of Aranesp® in response to Roche’s Document Request Nos. 20, 24-26, 31, 33-35, 42, 43, 45, 55, 56, 58-74, 78, 86, 87, 105-112, 114, 117 and 118. For

the reasons discussed in the Memorandum In Support Of Roche’s Motion To Compel, Amgen should be compelled to produce Aranesp<sup>®</sup> documents responsive to these requests.

These issues and the specific document requests corresponding to each issue are summarized in the following chart:

<b>Document Topic</b>	<b>Corresponding Request For Production</b>
Documents relating to and demonstrating Amgen’s efforts in developing pegylated compounds, including pegylated GCSF, pegylated MGDF, and pegylated NESP.	19, 20, 27-35, 58, 59, 70, and 105-112
Documents relating to and identifying research and development of Amgen’s Aranesp <sup>®</sup> , including those identifying its structure and biological activity.	20, 24-26, 31, 33-35, 42, 43, 45, 55, 56, 58-74, 78, 86, 87, 105-112, 114, 117 and 118

**REQUEST FOR ORAL ARGUMENT**

Roche believes that oral argument may assist the Court and respectfully requests that it be heard on its motion.

**CERTIFICATE PURSUANT TO L.R. 7.1 and 37.1**

I hereby certify that on December 11, 2006, counsel for Roche, Howard Suh, conferred with counsel for plaintiff Amgen Inc., William G. Gaede, III, in a good faith effort to resolve or narrow the issues presented by this motion and that no agreement could be reached. I also certify that counsel for Roche has complied with the provisions of L.R. 37.1.

Dated: December 15, 2006  
Boston, Massachusetts

Respectfully submitted,

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

*By its Attorneys,*

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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) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Keith E. Toms  
Keith E. Toms

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