

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, )  
 ROCHE DIAGNOSTICS GMBH, )  
 and HOFFMANN-LA ROCHE INC., )  
 )  
 Defendants. )

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CIVIL ACTION No.: 05-CV-12237WGY

**EMERGENCY MOTION FOR ORDER REQUIRING PLAINTIFF TO FILE UNDER  
SEAL DOCUMENTS CONTAINING DEFENDANTS’ CONFIDENTIAL AND TRADE  
SECRET MATERIALS**

Pursuant to Local Rule 7.2, Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) move for an order to require Plaintiff Amgen Inc. (“Amgen”) to file under seal certain confidential documents which contain Roche’s confidential and trade secret materials and which Amgen seeks to file in the public record.

The documents and information Amgen seeks to file in the public record are incorporated into and attached as exhibits in support of its Memorandum Of Points And Authorities In Support Of Its Motion To Compel Production Of Documents (Redacted Version) (Docket No. 174)<sup>1</sup> (“Amgen’s Memorandum”) and its Declaration Of Krista M. Carter In Support Of Plaintiff Amgen Inc.’s Memorandum In Support Of Its Motion to Compel (Redacted Version) (Docket

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<sup>1</sup> Superseding Amgen Inc.’s Memorandum Of Points And Authorities In Support Of Its Motion To Compel Production Of Documents (Docket No. 166)

No. 177)<sup>2</sup> (“Carter Declaration”). Pursuant to the Court’s Orders dated 11/6/06 (Docket No. 142) and 11/30/06 (Docket No. 159), Roche requests that the Court order Amgen to file under seal these documents which, if filed in the public record, would reveal Roche’s valuable and highly protected trade secrets. Roche is not attempting to prevent the Court from reviewing any material relevant to Amgen’s Motion to Compel, but only seeks to avoid the disclosure in the public record of trade secrets which would cause irreparable harm to Roche. The reasons for allowing this motion are more fully set forth in the accompanying Memorandum In Support Of Emergency Motion For Order Requiring Plaintiff To File Under Seal Documents Containing Defendants’ Confidential And Trade Secret Materials, and the accompanying Declaration of Patricia Rocha-Tramaloni In Support Of Emergency Motion For Order Requiring Plaintiff To File Under Seal Documents Containing Defendants’ Confidential And Trade Secret Materials.

The documents which Roche requests be filed under seal are Exhibits 6-9, 11-16, 19-21, and 23-28 to the Carter Declaration. The portions of the Memorandum and Declaration which constitute trade secrets and which Roche requests be filed under seal are on pages 9, 12 and 13 of Amgen’s Memorandum and on pages 3-4, 9-16, and 19-20 of the Carter Declaration.

A proposed order of impoundment regarding all documents filed under seal pursuant to this Motion and Local Rule 7.2 is attached as Exhibit A.

#### **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 Amgen stated it would not oppose this motion.

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<sup>2</sup> Superseding Declaration Of Krista M. Carter In Support Of Plaintiff Amgen Inc.’s Memorandum In Support Of Its Motion to Compel (Docket No. 167)

DATED: Boston, Massachusetts  
December 18, 2006

Respectfully submitted,

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

*By its Attorneys,*

/s/ Nicole A. Rizzo

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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/ Nicole A. Rizzo

Nicole A. Rizzo