

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

**DEFENDANTS’ EMERGENCY MOTION FOR TEMPORARY STAY OF COURT’S  
ORDER OF DECEMBER 19, 2006 DENYING LEAVE TO FILE CONFIDENTIAL  
AND TRADE SECRET MATERIALS UNDER SEAL**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) hereby request that the Court stay until 12:00 noon on Friday, December 22, 2006, its Order of today’s date denying the Emergency Motion For Order Requiring Plaintiff To File Under Seal Documents Containing Defendants' Confidential And Trade Secret Materials, so that Roche may submit additional declarations and evidence showing that the specific materials sought to be filed by Amgen constitute trade secrets and to accordingly seek reconsideration of the Court’s Order.

Roche notes the Court’s ruling of earlier today, as entered by the clerk, that “The Defendant Makes No Adequate Showing That Any of These Materials Are Actually Trade Secrets. Ad Hominem Conclusory Assertions Will Not Do So.” As the materials sought to be filed are indeed trade secrets, Roche will supplement its submissions so as to make the showing required by the Court, and is prepared to do so with a high level of specificity.

No party will be prejudiced by allowance of this motion, as the confidential trade secret materials at issue in the motion are being submitted by Amgen Inc. in support of a motion to compel filed on December 15, and that motion will not be ready for decision by the Court until after Roche files its opposition, which is not due until December 29, 2006. If the Court denies this motion and allows the materials to be filed in the public record, however, Roche will be irreparably harmed and stands to forever lose trade secrets of incalculable value.

**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.

DATED: Boston, Massachusetts  
December 19, 2006

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/ Julia Huston  
Julia Huston

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