

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD,	)	
ROCHE DIAGNOSTICS GMBH,	)	
and HOFFMANN-LA ROCHE INC.,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ OBJECTION TO PLAINTIFF’S NOTICE OF SERVICE OF  
CONFIDENTIAL DOCUMENTS**

In Plaintiff Amgen Inc.’s (“Amgen”) Notice Of Service Of Confidential Documents To Be Filed In Support Of Plaintiff’s Motion To Compel (Docket No. 178)<sup>1</sup>, Amgen states that, pursuant to the Court’s Orders of 11/06/06 (Docket No. 142) and 11/30/06 (Docket No. 159), if the Court fails to approve Defendants’ (“Roche”) motion to seal within three (3) court days from the filing of Roche’s motion to seal, Amgen will proceed to publicly file the disputed documents. Roche disagrees with this interpretation of the Court’s Orders, and the parties are preparing to brief this issue to the Court in the context of a Joint Motion for a Protective Order.

In any event, Roche has filed an Emergency Motion For Temporary Stay Of Court’s Order Of December 19, 2006 Denying Leave to File Confidential And Trade Secret Materials Under Seal. Roche objects to Amgen’s interpretation of the Court’s Orders, especially in light of the pending emergency motion.

<sup>1</sup> Superseding Notice Of Service Of Confidential Documents To Be Filed In Support Of Plaintiff’s Motion to Compel filed 12/14/06 (Docket No. 168) and Amended Notice of Service Of Confidential Documents To Be Filed In Support Of Plaintiff’s Motion to Compel filed 12/15/06 (Docket No. 169).

DATED: Boston, Massachusetts  
December 19, 2006

Respectfully submitted,

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

*By its Attorneys,*

/s/ Nicole A. Rizzo  
Lee Carl Bromberg (BBO# 058480)  
Julia Huston (BBO# 562160)  
Keith E. Toms (BBO# 663369)  
Nicole A. Rizzo (BBO # 663853)  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110  
Tel. (617) 443-9292  
[nrizzo@bromsun.com](mailto:nrizzo@bromsun.com)

Leora Ben-Ami (*pro hac vice*)  
Patricia A. Carson (*pro hac vice*)  
Thomas F. Fleming (*pro hac vice*)  
Howard Suh (*pro hac vice*)  
Peter Fratangelo (BBO# 639775)  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Tel: (212) 836-8000

### **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