

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
 Plaintiff,)
)
 vs.)
)
 F. HOFFMANN-LA ROCHE LTD,)
 ROCHE DIAGNOSTICS GmbH, and)
 HOFFMANN-LA ROCHE INC.)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**DEFENDANTS’ MOTION FOR RECONSIDERATION AND OPPOSITION TO
AMGEN’S MOTION TO COMPEL PRODUCTION OF
ROCHE’S CELL LINE AND RELATED DOCUMENTS**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully move for reconsideration of the Court’s Order of January 22, 2006, compelling the production of Roche’s cell lines. The Order was not made on a complete record, as it was issued before Roche’s deadline to oppose Amgen’s motion, which under the local rules, was not due until January 24, 2006. Furthermore, as set forth in Roche’s opposition filed herewith, Amgen has no compelling need for samples of Roche’s competitively sensitive cell lines because responsive information may be found in documents which Roche has produced and will continue to produce.

Thus, for the reasons set forth in Roche’s Memorandum in Support of its Motion for Reconsideration and Opposition to Amgen’s Motion to Compel Production of Roche’s Cell Line and Related Documents, Roche respectfully requests that the Court reconsider its order and deny Amgen’s motion to compel. In the alternative, Roche requests that the Court adopt Roche’s

compromise position allowing for the production of the cell line under the terms set forth in the Proposed Order attached hereto as Exhibit A.

CERTIFICATE PURSUANT TO L.R. 7.1

I hereby certify that counsel for Roche conferred with counsel for plaintiff Amgen Inc. in a good faith effort to resolve or narrow the issues presented by this motion and that no agreement could be reached.

Dated: January 22, 2007
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 on the above-referenced date 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 January 23, 2007.

/s/ Keith E. Toms
Keith E. Toms

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