

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	C.A. NO.: 05-12237-WGY
v.)	
)	
F. HOFFMANN-LAROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN LAROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	
_____)	

PLAINTIFF AMGEN INC.'S MOTION TO EXTEND TIME TO PRODUCE
CERTAIN DOCUMENTS CONTAINING THIRD PARTY INFORMATION

On January 29, 2007, Amgen was ordered to produce certain documents including third party information, including documents containing Fresenius Medical Care North America (FMCNA) information. Counsel for FMCNA informed Amgen today that it would file a motion for Protective Order and, in fact, FMCNA has filed a motion for Protective Order with the Court requesting additional time in which to review the documents to determine whether it would seek to prevent or limit the disclosure of its confidential information to Roche.¹ In addition to the documents that Amgen has provided to FMCNA for its review and consideration, Amgen has internal documents that contain the same or similar FMCNA information that were not provided to FMCNA (because they contain other third party confidential information or Amgen proprietary information) and are thus not a part of FMCNA's

¹ Amgen declines to burden the Court with a detailed recitation of the facts with respect to its delivery of the documents to FMCNA. Suffice it to say, Amgen has cooperated with FMCNA, acted in good faith at all times, and has no objection to FMCNA's request for additional time to review the documents.

motion for Protective Order. Amgen believes that these documents should be treated together with FMCNA's documents because to do otherwise would undercut FMCNA's motion and deprive FMCNA of the due process of this Court. Therefore, Amgen respectfully requests that the Court extend the time for Amgen to produce these responsive documents until FMCNA has exhausted its rights with respect to its review and the production of these documents.

Dated: March 2, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for the Plaintiff has attempted to confer with counsel for the Defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, in an attempt to resolve or narrow the issues presented by this motion and that no agreement could be reached.

/s/ Patricia R. Rich

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 and paper copies will be sent to those indicated as non-registered participants on March 2, 2007.

/s/ Patricia R. Rich
Patricia R. Rich