

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC., )

Plaintiff, )

v. )

Civil Action No.: 1:05-CV-12237 WGY

F. HOFFMANN-LA ROCHE LTD, a )

Swiss Company, ROCHE DIAGNOSTICS )

GMBH, a German Company, and )

HOFFMANN LA ROCHE INC., a New )

Jersey Corporation, )

Defendants. )

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**AMGEN INC.’S MOTION TO COMPEL A COMPLETE RESPONSE  
TO INTERROGATORIES 9, 10, AND 11 TO ROCHE**

Pursuant to FED. R. CIV. P. 37(a) and L.R. 37.1, Plaintiff Amgen, Inc. (“Amgen”)

respectfully submits this Motion to Compel a Complete Response to Interrogatories 9, 10, and 11 to Roche, and asks the Court for an Order compelling Roche to:

- Provide, on a claim-by-claim and limitation-by-limitation basis, the grounds that allegedly support Roche’s assertion that the patents-in-suit are invalid for double patenting and/or with respect to 35 U.S.C. §§ 102 (a-e) and 103 (Interrogatory 9);
- Identify where each and every claim limitation is disclosed in each reference that allegedly anticipates any of the asserted claims (Interrogatory 10);
- Identify where each claim limitation is disclosed in each reference, how the references are to be combined in order to render each asserted claim obvious, where the motivation to combine the references may be found, and why there would be a reasonable expectation of success in combining the references (Interrogatory 11);
- Identify and describe, on a claim-by-claim and limitation-by-limitation basis, why one of ordinary skill in the art would have found the claims of the patents-in-suit not to be patentably distinct from the claims in the patents that allegedly invalidate the patents-in-suit for double patenting (Interrogatory 11); and
- Identify and describe, on a claim-by-claim basis, why 35 U.S.C. § 121 does not bar the application of obviousness-type double patenting (Interrogatory 11).

The grounds for this motion are set forth in Amgen's Memorandum in Support of its Motion to Compel, as well as in the accompanying Declaration of William G. Gaede, III.

Dated: March 13, 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 met and conferred with counsel for the defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, in an effort to resolve or narrow the issues presented by this motion and that no agreement could be reached.

          /s/ Michael R. Gottfried            
Michael R. Gottfried

**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 13, 2007.

          /s/ Michael R. Gottfried            
Michael R. Gottfried