

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

CIVIL ACTION No.: 05-CV-12237WGY

**WITHDRAWAL OF DEFENDANTS’ CROSS MOTION TO COMPEL THIRD PARTY
FRESENIUS MEDICAL CARE NORTH AMERICA TO COMPLY WITH SUBPOENA
AND AGREEMENT TO PRODUCE**

The Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) hereby withdraw without prejudice their pending Cross Motion to Compel Third Party Fresenius Medical Care North America (“Fresenius”) to Comply with Subpoena and Agreement to Produce (Docket No. 308), which was filed on March 5, 2007.

As grounds for this withdrawal, Roche states that it and Fresenius have reached an agreement as to the documents sought to be produced and a schedule for the completion of production. Roche, however, reserves the right to renew this motion in the event that Fresenius fails to comply with the agreement of the parties.

Dated: March 19, 2007
Boston, Massachusetts

Respectfully submitted,

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

By its Attorneys

/s/ Keith E. Toms

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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/ Keith E. Toms

Keith E. Toms

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