

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.)	
_____)	

JOINT REPORT ON MEDIATION ISSUES

Pursuant to the February 25, 2007 Order from Magistrate Judge Robert B. Collings, Amgen Inc. (“Amgen”) and F. Hoffmann-LaRoche Ltd., Roche Diagnostics GmbH, and Hoffmann LaRoche Inc., (collectively “Roche”) file this Joint Report on Mediation Issues:

1. Timing of Mediation:

A. Amgen’s position: Amgen believes that in order for a mediation to have any potential of being successful, it must occur after Roche’s scheduled Prescription Drug User Fee Amendments (“PDUFA”) date, which Roche and the Federal Drug Administration (“FDA”) have agreed to postpone from February 20, 2007 until May 20, 2007. In addition, the parties' motions for summary judgment are due on May 18, 2007, and it would be beneficial for the parties, and the mediator, to have the benefit of this briefing to assess the relative strengths and weaknesses of the case. Accordingly, it is Amgen’s position that the mediation be scheduled after May 20, 2007.

B. Roche's position: In light of the Court's direction to address the mediation as promptly as possible, it is Roche's position that the mediation be scheduled in April.

2. Duration of Mediation:

A. Amgen's position: Amgen believes the Court should set aside four hours for the mediation.

B. Roche's position: Roche is agreeable to a mediation of four hours, but believes that a full day mediation might be more productive.

3. Location of Mediation: The parties agree the mediation should take place in Boston, Massachusetts.

Dated: March 20, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

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HOFFMANN-LA ROCHE INC.

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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 and paper copies will be sent to those indicated as non-registered participants on March 20, 2007.

/s/ Patricia R. Rich

Patricia R. Rich