

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GmbH,)	
and HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ MOTION TO COMPEL PRODUCTION OF
DOCUMENTS IMPROPERLY WITHHELD ON GROUNDS OF PRIVILEGE**

Pursuant to Federal Rules of Civil Procedure 37(a) defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”), respectfully submit this motion to compel Amgen Inc. to immediately produce documents to which it improperly claimed privilege. Because Amgen’s testimony in prior proceedings waived attorney-client privilege and attorney work product protection with respect to inventorship, patentability, prior art, prosecution strategy, infringement, and claim construction, Amgen must produce related documents which it has withheld and submit to additional depositions with respect to these documents..

In support of this motion, Roche submits a memorandum of law with appendices.

REQUEST FOR HEARING

Roche believes that oral argument may assist the Court and thus respectfully requests oral argument.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1 AND 37.1

I certify that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion and no agreement was reached. I also certify that counsel for Roche has complied with the provisions of L.R. 37.1.

Dated: March 27, 2007
Boston, Massachusetts

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

By their attorneys,

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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/ Robert L. Kann
Robert L. Kann

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