

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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AMGEN INC.,)
)
Plaintiff,)
v.)
)
F. HOFFMANN-LA ROCHE LTD,)
ROCHE DIAGNOSTICS GmbH,)
and HOFFMANN-LA ROCHE INC.,)
)
Defendants.)
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Civil Action No. 05-CV-12237WGY

**DEFENDANTS’ MOTION TO COMPEL
CONTINUED DEPOSITION OF DR. THOMAS STRICKLAND
AND PRODUCTION OF RELATED DOCUMENTS**

Defendants F. Hoffmann-La Roche LTD, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively, “Roche”) respectfully request that the Court compel Amgen to produce Dr. Thomas Strickland for continued deposition as a fact witness, and to produce related documents prior to the date of the continued deposition. As explained further in the accompanying Memorandum, Amgen identified Dr. Strickland’s areas of relevant knowledge only on the eve of his deposition, impeded the questioning itself with literally hundreds of speaking objections, and refused to cooperate in scheduling the continuation of Dr. Strickland’s deposition, despite acknowledging Roche’s right to further questioning. With an April 2 fact discovery deadline looming, Amgen has forced Roche to seek the Court’s intervention.

Thus, Roche respectfully requests that the Court compel Amgen to produce Dr. Strickland for continued deposition testimony as a fact witness, and to produce the following documents:

1. A first-generation color copy of the May 19th Declaration, including all exhibits; and
2. A first-generation color copy of the complete document entitled "Amgen Inc. Response to FDA Questions - 8/10/88," including all attached figures. For your convenience in locating this document, a partial copy with undecipherable gels has been produced at AM-ITC 00339546.

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 that no agreement was reached. I also certify that counsel for Roche has complied with the provisions of L.R. 37.1.

Dated: March 28, 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/ Nicole A. Rizzo
Nicole A. Rizzo

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