

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05 Civ. 12237 WGY
v.)	
)	
F. HOFFMANN-LAROCHE LTD.,)	
ROCHE DIAGNOSTICS GMBH, AND)	
HOFFMANN LAROCHE INC.,)	
)	
Defendants.)	

**AMGEN’S AMENDED MOTION TO COMPEL ROCHE TO PRODUCE
WITNESSES FOR DEPOSITION UNDER RULE 30(B)(6)**

Pursuant to Fed. R. Civ. P. 37(a)(2)(B) and 30(b)(6), Plaintiff Amgen Inc. ("Amgen") Amgen amends its motion of April 2, 2007, and respectfully requests that this Court compel Defendants F. Hoffmann-La Roche Ltd., Roche Diagnostics GmbH, and Hoffman-La Roche Inc. (collectively "Roche") to designate witnesses for deposition on topics 1-19, and 24-30 enumerated in Amgen’s Fourth Notice of Deposition to Defendants Pursuant to Fed. R. Civ. P 30(b)(6). These topics are directed to the factual bases on which Roche is relying to support its allegations of patent invalidity and unenforceability and information which contradicts such allegations. Notably, a number of these topics are mirror-images of the Fed. R. Civ. P. 30(b)(6) topics served on Amgen by Roche, for which this Court, in its March 27, 2007 Order, compelled Amgen to produce Rule 30(b)(6) witnesses for deposition.

Amgen amends the motion filed April 2, 2007 to clarify the requested relief and to specify a time for production of witnesses in response to this motion. This amended motion is made upon this amended motion, the original motion filed on April 2, 2007, the

amended memorandum of law, filed herewith, and the Declaration of Mark Izraelewicz in Support of Amgen's Motion to Compel Roche to Produce Witnesses for Deposition under Rule 30(b)(6), filed April 2, 2007 [Docket No. 348].

DATED: April 5, 2007

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Respectfully Submitted,

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

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.

/s/ Michael R. Gottfried
Michael R. Gottfried

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing (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/ Michael R. Gottfried
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