

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN-LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	
_____)	

PLAINTIFF AMGEN INC.’S MOTION TO PRECLUDE FURTHER INTERFERENCE WITH THIRD-PARTY DISCOVERY AND COMPEL PRODUCTION OF DOCUMENTS AND DEPOSITION TESTIMONY, OR IN THE ALTERNATIVE, MOTION TO STRIKE DEFENDANTS’ DEFENSE UNDER 35 U.S.C. § 271 (e)(1)

Pursuant to FED. R. CIV. P. 37(a) and L.R. 37.1, Plaintiff Amgen, Inc. (“Amgen”) respectfully submits this Motion to Preclude Further Interference with Third-Party Discovery and Compel Production of Documents and Deposition Testimony, or in the Alternative, Motion to Strike Defendants’ Defense Under 35 U.S.C. § 271(e)(1).

The grounds for this motion are set forth in Amgen Inc.’s Memorandum in Support of its Motion to Preclude Further Interference with Third-Party Discovery and Compel Production of Documents and Deposition Testimony, or in the Alternative, Motion to Strike Defendants’ Defense Under 35 U.S.C. § 271(e)(1), as well as in the accompanying Declaration of Mario Moore.

Dated: April 13, 2007

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that counsel for the Plaintiff has met and conferred with counsel for the Defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, in an attempt to resolve or narrow the issues presented by this motion and that no agreement could be reached.

/s/ Michael R. Gottfried

Michael R. Gottfried

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 April 13, 2007.

/s/ Michael R. Gottfried

Michael R. Gottfried