

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LAROCHE)
 LTD., a Swiss Company, ROCHE)
 DIAGNOSTICS GmbH, a German)
 Company and HOFFMANN LAROCHE)
 INC., a New Jersey Corporation,)
)
 Defendants.)

C.A. NO.: 05-12237-WGY

NOTICE OF SERVICE OF CONFIDENTIAL DOCUMENTS TO BE FILED IN SUPPORT OF 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)

The Plaintiff, Amgen Inc. (“Amgen”), hereby certifies, pursuant to the Protective Order dated February 7, 2007 [docket #274], that it served today, via hand-delivery, upon defense counsel at Bromberg & Sunstein LLP and via overnight mail to defense counsel at Kaye Scholer LLP, the following:

1. Confidential Exhibit No. 4 to the Declaration of Mario Moore in Support of 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);
2. Confidential Exhibit No. 13 to the Declaration of Mario Moore in Support of 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);
3. Confidential Exhibit No. 14 to the Declaration of Mario Moore in Support of 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);

4. Confidential Exhibit No. 23 to the Declaration of Mario Moore in Support of 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); and

5. Confidential Exhibit No. 24 to the Declaration of Mario Moore in Support of 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).

These documents contain information designated as confidential by the defendants ("Roche"). Accordingly, pursuant to paragraph 14 of the Protective Order, Roche has four (4) Court days to seek leave of Court pursuant to Local Rule 7.2 if it seeks to have the Court deem such documents confidential.

Dated: April 13, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

Of Counsel:

Stuart L. Watt
Wendy A. Whiteford
Monique L. Cordray
Darrell G. Dotson
Kimberlin L. Morley
Erica S. Olson
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789
(805) 447-5000

/s/ Michael R. Gottfried
D. Dennis Allegretti (BBO#545511)
Michael R. Gottfried (BBO# 542156)
Patricia R. Rich (BBO# 640578)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: (617) 289-9200
Facsimile: (617) 289-9201

Lloyd R. Day, Jr.
DAY CASEBEER, MADRID & BATCHELDER
LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

William Gaede III
McDERMOTT WILL & EMERY
3150 Porter Drive

Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

Michael F. Borun
Kevin M. Flowers
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

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