

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

**DEFENDANTS’ MOTION TO ENFORCE THE COURT’S MARCH 27, 2007 ORDER
AND TO COMPEL DEPOSITION TESTIMONY UNDER RULE 30(b)(6)**

Pursuant to Federal Rules of Civil Procedure 37(a) and 30(b)(6), defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”), respectfully submit this motion to enforce the Court’s March 27, 2007 Order granting Roche’s motion to compel deposition testimony under Rule 30(b)(6).

Amgen’s disregard of this Court’s clear directive has rendered Roche incapable of completing its Rule 30(b)(6) discovery. Amgen’s improper qualifications (at least with regard to Roche topics 1, 3, 4, 6, and 7 from Roche’s First Notice of Deposition to Amgen Pursuant to Rule 30(b)(6)), its practice of designating witnesses for topics only at the beginning of a witness’s deposition and thus leaving Roche unprepared to depose on those topics (topics 1, 26, and 27), and in two cases Amgen’s intransigent refusal to proffer any witness at all even despite the court’s order (topics 9 and 10) have severely impinged Roche’s fact discovery efforts.

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

WHEREFORE, Roche respectfully requests that the Court enforce its March 27, 2007 Order to compel Amgen Inc. to provide adequate testimony for Roche's deposition topics 1-4, 6-10, and 26-27.

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 the motion and no agreement was reached.

Dated: April 13, 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/ Keith E. Toms

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