

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 05-12237 WGY
	)	
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 STRIKE BELATEDLY DISCLOSED  
INVALIDITY AND UNENFORCEABILITY ALLEGATIONS AND FOR MORE TIME  
TO RESPOND TO ROCHE’S EXPERT REPORTS**

Pursuant to FED. R. CIV. P. 37(a) and L.R. 37.1, Plaintiff Amgen, Inc. (“Amgen”) respectfully submits this Motion to Strike Belatedly Disclosed Invalidity and Unenforceability Allegations and for More Time to Respond to Roche’s Expert Reports.

The grounds for this motion are set forth in Amgen Inc.’s Memorandum in Support of its Motion to Strike Belatedly Disclosed Invalidity and Unenforceability Allegations and for More Time to Respond to Roche’s Expert Reports, the attached appendices, as well as in the accompanying Declaration of Deborah E. Fishman.

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