

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.)	
_____)	

PROPOSED AMENDED LR 16.1(D) JOINT STATEMENT

At the Rule 16.1 Conference with the Court on October 23, 2006, the Court scheduled this case to be placed on the running trial calendar for September 2007. On November 7, 2006, the Court entered the parties' Joint Amended LR16.1(D) Statement. Since then the parties have worked diligently to comply with the Court's schedule. The parties have conferred further on certain of the scheduled items and respectfully request the following amendments (the proposed amended dates are in italics and underlined) without changing any of the Court ordered dates for the Pre-Trial or Trial Calendar. All other Court-Ordered dates and deadlines will remain unchanged:

EVENT	CURRENT DATE	PARTIES' PROPOSAL
INITIAL DISCLOSURES AND PLEADINGS		
Initial disclosures and information required by Fed. R. Civ. P. 26(a)(1) shall be exchanged by:	November 6, 2006	No Change
All motions to join other parties (other than entities related to the current parties) shall be filed on or before:	November 6, 2006	No Change
Roche shall file its Answer and Counterclaims on or before:	November 6, 2006	No Change
All motions to amend the pleadings under Fed. R. Civ. P. 15(a) shall be filed on or before:	December 8, 2006	No Change
DISCOVERY		
Discovery may commence on:	October 24, 2006	No change
Interrogatories:	A maximum of 40 unique interrogatories shall be permitted for each side. For example, Amgen (collectively with Ortho Biotech Products, L.P., if it is permitted to intervene) may serve the same 40 interrogatories on each of the Defendants, but may not serve 120 unique interrogatories by propounding different	No change ¹

¹ Defendants agree that they shall supplement their contention Interrogatory Responses to Interrogatories 9, 10 and 11 by May 1, 2007.

EVENT	CURRENT DATE	PARTIES' PROPOSAL
	<p>interrogatories to the different Defendants. No one interrogatory may require that a party explain its response to more than one request for admission. Contention interrogatories may be served at any time during the discovery period, provided that they are served in sufficient time to permit responses to be timely served in accordance with the Federal Rules before the fact discovery cutoff.</p>	
Requests for Admission:	40 unique Requests for Admission	No change
Document Production:	<p>Each party shall:</p> <ul style="list-style-type: none"> (1) propound their initial requests for production of documents no later than October 30, 2006; (2) propound any two additional requests for production of documents to be served at any time but no later than <i>January 8, 2007</i>; (3) respond and produce documents according to applicable Federal Rules; and (4) complete production of all responsive documents by March 9, 2007. 	No Change
Depositions	Not included	No Change

EVENT	CURRENT DATE	PARTIES' PROPOSAL
All motions to compel must be filed:	Before the close of the applicable discovery period.	No Change
Fact discovery shall be completed by:	April 2, 2007	No Change
Initial reports of experts on issues for which a party bears the burden of proof are due on:	April 9, 2007	No Change
Rebuttal reports of responding experts are due on:	April 27, 2007	<u>May 11, 2007²</u>
Any party desiring to depose an expert witness shall notice and complete said deposition no later than:	May 11, 2007	<u>June 8, 2007</u>
CLAIMS CONSTRUCTION		
Both parties' opening briefs setting forth their respective claims construction positions shall be filed and served no later than:	March 5, 2007	No change
Both parties' responsive briefs shall be filed and served no later than:	March 19, 2007	No change

² Plaintiff Amgen will withdraw its Motion to Strike Belately Disclosed Invalidity and Unenforceability Allegations and for More Time to Respond to Roche's Expert Reports, and related submissions, filed on April 13, 2007, Docket Nos. 385, 386 and 388 at such time as the Court grants the proposed amendment for extension of time.

EVENT	CURRENT DATE	PARTIES' PROPOSAL
Subject to the Court's schedule, a <i>Markman</i> hearing on construction of disputed claim terms shall be held:	Before April 17, 2007	No change
DISPOSITIVE MOTIONS		
Any case dispositive motion pursuant to the Federal Rules of Civil Procedure shall be filed and served with an opening brief on or before:	May 18, 2007	<u>June 8, 2007</u>
Any opposition to a case dispositive motion shall be filed and served within:	14 days after service of the motion	No change
Any reply in support of a case dispositive motion shall be filed and served within:	7 days after service of any opposition to such motion.	No change
Hearing on case-dispositive motions shall be held before:	At such time before the Trial Date that is convenient to the Court.	No change
PRE-TRIAL AND TRIAL		
Trial should commence in Courtroom No. 18, United States Courthouse, One Courthouse Way, Boston, Massachusetts, at 9:00 a.m. EDT on:	September 2007 Running Calendar	No change

April 20, 2007

Respectfully submitted,

AMGEN INC., Plaintiff

By its attorneys,

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By their attorneys,

/s/ Keith E. Toms

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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 and paper copies will be sent to those indicated as non-registered participants on April 23, 2007.

/s/ Keith E. Toms

Keith E. Toms