

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)
)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LA ROCHE LTD)
 ROCHE DIAGNOSTICS GmbH)
 and HOFFMANN-LA ROCHE INC.)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**STIPULATION REGARDING CONFIDENTIAL ROCHE DOCUMENTS SUBMITTED
BY AMGEN FOR *IN CAMERA* REVIEW ON APRIL 19, 2007 IN CONNECTION WITH
AMGEN’S MOTION TO PERMIT SUBMISSION TO THE ITC**

Plaintiff Amgen Inc. (“Amgen”) and Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (“Roche”) (collectively, “the parties”) stipulate and agree as follows:

1. Amgen submitted 13 documents to the Court for *in camera* review on April 19, 2007 in connection with its Motion to Permit Submission of Materials Produced in this Action to the International Trade Commission and the Federal Circuit (Docket No. 405) (“Motion to Permit Submission to the ITC”).

2. The parties anticipate that the 13 documents will be returned to counsel for Amgen, in accordance with the usual procedures of the Court, after Amgen’s Motion to Permit Submission to the ITC is decided.

3. Amgen will not file or seek to file any of these 13 documents in the public record in support of or in connection with its Motion to Permit Submission to the ITC, except in accordance with paragraph 5 below.

4. Accordingly, Roche will not be required to file a motion to seal any of these documents pursuant to paragraph 14 of the Protective Order of 2/7/07 (Docket No. 274).

5. If the Court determines that any of these documents must become part of the record in connection with the Motion to Permit Submission to the ITC, Amgen will refrain from filing such documents in the public record for four (4) court days after such a determination to permit Roche the opportunity to file a motion for leave to file some or all of the documents at issue under seal in accordance with the procedure previously ordered by this Court.

Dated: April 25, 2007
Boston, Massachusetts

Respectfully submitted,

PLAINTIFF AMGEN INC.

By its Attorneys,

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

/s/ Patricia R. Rich
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. (*pro hac vice*)
DAY CASEBEER MADRID &
BATCHELDER LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

William G. Gaede III (*pro hac vice*)
McDERMOTT WILL & EMERY
3150 Porter Drive
Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

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

DEFENDANTS F. HOFFMANN-LA
ROCHE LTD, ROCHE DIAGNOSTICS
GMBH, and HOFFMANN-LA ROCHE
INC.

By their Attorneys,

/s/ Nicole A. Rizzo
Lee Carl Bromberg (BBO# 058480)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
nrizzo@bromsun.com

Leora Ben-Ami (*pro hac vice*)
Mark S. Popofsky (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
Peter Fratangelo (BBO# 639775)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

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/ Nicole A. Rizzo
Nicole A. Rizzo

03099/00501 655700.1