

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	
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**AMGEN’S MOTION TO WITHDRAW WITHOUT PREJUDICE
ITS MOTION TO STRIKE BELATEDLY DISCLOSED
INVALIDITY AND UNENFORCEABILITY ALLEGATIONS AND
FOR MORE TIME TO RESPOND TO ROCHE’S EXPERT REPORTS**

Amgen, Inc. (“Amgen”) hereby respectfully withdraws without prejudice its Motion to Strike Belatedly 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] (collectively the “Motion”). The parties have reached an agreement regarding the subject matter of the Motion as set forth in the Proposed Amended LR 16.1(D) Joint Statement, filed on April 20, 2007, [Docket No. 419]. As part of that agreement Amgen has agreed to withdraw the Motion without prejudice.

Accordingly, Amgen Inc. respectfully requests that it be allowed to withdraw without prejudice its Motion to Strike Belatedly 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].

April 25, 2007

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for the Plaintiff has conferred with counsel for the Defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, in an attempt to resolve the issues presented by this motion and the Defendants have indicated that they have no objection to the filing of this motion.

/s/ Patricia R. Rich

Patricia R. Rich

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing (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/ Patricia R. Rich

Patricia R. Rich