

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION No.: 05-CV-12237WGY
vs.)	
)	
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GMBH,)	ORAL ARGUMENT REQUESTED
AND HOFFMANN-LA ROCHE INC.,)	
)	
Defendants)	
_____)	

**DEFENDANTS’ MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AND FAILURE TO STATE A CLAIM FOR WHICH RELIEF MAY BE
GRANTED**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Defendants”), respectfully submit this motion to dismiss the complaint of Plaintiff Amgen Inc. (“Amgen”) for Lack of Subject Matter Jurisdiction and Failure to State a Claim for Which Relief May Be Granted. In support of this motion, Defendants have concurrently filed a memorandum of reasons and authorities in support of the motion, and supporting declarations by Dr. Iris Kingma-Johnson, M.D. and Ph.D., and Howard S. Suh, Esq.

REQUEST FOR ORAL ARGUMENT

Roche believes oral argument will assist the Court in deciding this motion, and wishes to be heard.

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 this motion and no agreement was reached.

DATED: Boston, Massachusetts
April 11, 2006

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

By its attorneys,

/s/ Julia Huston

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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/ Julia Huston

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