

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,
Plaintiff,
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.
Civil Action No.: 05-12237 WGY

PLAINTIFF AMGEN INC.'S MOTION TO STRIKE ROCHE'S NON-INFRINGEMENT,
INVALIDITY, AND INEQUITABLE CONDUCT ALLEGATIONS DISCLOSED AFTER
THE CLOSE OF FACT DISCOVERY OR, IN THE ALTERNATIVE, MOTION FOR
LEAVE TO SUPPLEMENT AMGEN'S EXPERT REPORTS AND MOTION FOR
PROTECTIVE ORDER TO POSTPONE DEPOSITIONS OF CERTAIN WITNESSES

Pursuant to FED. R. CIV. P. 37(a) and L.R. 37.1, Plaintiff Amgen, Inc. ("Amgen")
respectfully submits this Motion to Strike Roche's Non-Infringement, Invalidity, and Inequitable
Conduct Allegations Disclosed After the Close of Fact Discovery or, in the Alternative, Motion
for Leave to Supplement Amgen's Expert Reports and Motion for Protective Order to Postpone
Depositions of Certain Witnesses.

The grounds for this motion are set forth in the accompanying Memorandum in Support
of Amgen Inc.'s Motion to Strike Roche's Non-Infringement, Invalidity, and Inequitable
Conduct Allegations Disclosed After the Close of Fact Discovery or, in the Alternative, Motion
for Leave to Supplement Amgen's Expert Reports and Motion for Protective Order to Postpone
Depositions of Certain Witnesses as well as in the accompanying Declaration of Mario Moore.

May 24, 2007

Respectfully Submitted,
AMGEN INC.,
By its attorneys,

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CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that counsel for the Plaintiff has attempted to confer 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 May 24, 2007.

/s/ Michael R. Gottfried

Michael R. Gottfried