

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

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

Amgen Inc. brings this emergency motion requesting that the Court expedite the time for Roche to respond to Amgen's Motion to Strike Roche's Non-Infringement, Invalidity, and Inequitable Conduct Allegations Disclosed After the Close of Fact Discovery or, and in the Alternative, Motion for Leave to Supplement Amgen's Expert Reports and Motion for Protective Order to Postpone Depositions of Certain Witnesses (the "Motion to Strike") to Wednesday, May 30, 2007. As grounds for this motion, Amgen states that if Roche is not required to respond to the Motion to Strike on an expedited basis, the expert discovery period, as ordered by the Court, will have passed and the relief Amgen seeks under its Motion to Strike will be mooted. As additional support for this motion, Amgen relies upon its Emergency Motion for Expedited Scheduling Conference [Docket No. 449] and the documents filed in support of its Motion to

Strike [Docket Nos. 448]. Accordingly, in order to have the matter fully briefed for the Court, it is necessary to expedite the period for Roche to respond to the Motion to Strike to May 30, 2007.

May 23, 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 defendants did not respond to the request.

/s/ Patricia R. Rich

Patricia R. Rich

**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 23, 2007.

/s/ Patricia R. Rich

Patricia R. Rich