

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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 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)
)
 Defendant.)
)
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**JOINT STIPULATION FOR DISMISSAL OF AMGEN’S
CLAIM FOR DECLARATORY JUDGMENT OF
INFRINGEMENT OF U.S. PATENT NO. 5,621,080**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Amgen Inc., and Defendants F. Hoffmann-La Roche Ltd., Roche Diagnostics GmbH and Hoffmann-La Roche Inc., hereby stipulate to the entry of an order herein dismissing with prejudice Amgen’s claim for declaratory judgment of infringement of U.S. Patent No. 5,621,080 with each party to bear its respective costs with respect to said claim. This stipulation including said allocation of cost, however, is without prejudice to any claims or defenses asserted by Roche against Amgen in this litigation.

Date

U.S. District Court Judge

Dated: June 4, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

DEFENDANT, F. HOFFMANN-LA ROCHE
LTD., ROCHE DIAGNOSTICS GMBH, AND
HOFFMANN-LA ROCHE INC.

PLAINTIFF AMGEN INC.

By their attorneys,

By its attorneys,

/s/ Keith E. Toms

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