

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----x	)	
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	)	
	)	
	)	Defendant.
-----x	)	

Civil Action No.: 05-12237 WGY

**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.

Amgen Inc. v. F. Hoffmann-La Roche LTD et al

Doc. 461

June 5, 2007  
Date

William D. Young  
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

Lee Carl Bromberg (BBO# 058480)  
Julia Huston (BBO# 562160)  
Keith E. Toms (BBO# 663369)  
Nicole A. Rizza (BBO# 663853)  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110  
Tel. (617) 443-9292

Leora Ben-Ami (pro hac vice)  
Mark S. Popofsky (pro hac vice)  
Patricia A. Carson (pro hac vice)  
Thomas F. Fleming (pro hac vice)  
Howard S. Suh (pro hac vice)  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Tel. (212) 836-8000

/s/ Patricia R. Rich

D. Dennis Allegretti (BBO# 545511)  
Michael R. Gottfried (BBO# 542156)  
Patricia R. Rich (BBO# 640578)  
DUANE MORRIS LLP  
470 Atlantic Avenue, Suite 500  
Boston, MA 02210  
Telephone: (857) 488-4200  
Facsimile: (857) 488-4201

Lloyd R. Day, Jr. (pro hac vice)  
DAY CASEBEER MADRID &  
BATCHELDER LLP  
20300 Stevens Creek Boulevard, Suite 400  
Cupertino, CA 95014  
Telephone: (408) 873-0110  
Facsimile: (408) 873-0220

William G. Gaede III (pro hac vice)  
McDERMOTT WILL & EMERY  
3150 Porter Drive  
Palo Alto, CA 94304  
Telephone: (650) 813-5000  
Facsimile: (650) 813-5100

Kevin M. Flowers (pro hac vice)  
MARSHALL, GERSTEIN 7 BORUN LLP  
233 South Wacker Drive  
6300 Sears Tower  
Chicago, IL 60606  
Telephone: (312) 464-6300  
Facsimile: (312) 474-0448