

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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 )  
 AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, )  
 )  
 ROCHE DIAGNOSTICS GMBH, )  
 )  
 and HOFFMANN-LA ROCHE INC., )  
 )  
 Defendants. )  
 \_\_\_\_\_

CIVIL ACTION No.: 05-CV-12237WGY

**WITHDRAWAL OF MOTION FOR SUMMARY JUDGMENT  
OF NONINFRINGEMENT OF THE '080 PATENT**

In light of the Joint Stipulation for Dismissal of Amgen's Claim for Declaratory Judgment of Infringement of U.S. Patent No. 5,621,080, entered by the Court on June 5, 2007 (Docket No. 461), Roche hereby withdraws its Motion for Summary Judgment of Noninfringement of the '080 Patent, filed on May 21, 2007 (Docket No. 439).

DATED: Boston, Massachusetts  
June 8, 2007

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

*By their Attorneys,*

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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/ Nicole A. Rizzo

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