

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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,)	
)	
Defendants.)	
_____)	

**AMGEN INC.'S MOTION FOR SUMMARY JUDGMENT OF
INFRINGEMENT OF '422 CLAIM 1, '933 CLAIM 3, AND '698 CLAIM 6**

Pursuant to Fed. R. Civ. P. 56, Amgen seeks summary judgment that Roche's importation or sale of Mircera will literally infringe '422 Claim 1, '933 Claim 3, and '698 Claim 6. There is no genuine issue of material fact that Mircera literally satisfies all of the limitations of the claimed products of '422 Claim 1 and '933 Claim 3 as construed and defined by the Court. There is also no dispute that Roche uses the process claimed in '698 Claim 6 to make EPO.

The grounds for this Motion are set forth in the accompanying Memorandum in Support of Amgen's Motion For Summary Judgment of Infringement of '422 Claim 1, '933 Claim 3, and '698 Claim 6, and the supporting declarations.

Amgen respectfully submits the Court should enter judgment of infringement.

Dated: June 14, 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 attempted to confer in good faith with counsel for the defendants in an effort to resolve or narrow the issues presented by this motion and no agreement could be reached.

/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 June 14, 2007.

/s/Patricia R Rich
Patricia R. Rich