

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|----------------------------------|
| _____ |) | |
| AMGEN INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | CIVIL ACTION No.: 05-CV-12237WGY |
| F. HOFFMANN-LA ROCHE LTD |) | |
| ROCHE DIAGNOSTICS GmbH |) | |
| and HOFFMANN-LA ROCHE INC. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**NOTICE OF SERVICE OF CONFIDENTIAL DOCUMENTS
TO BE FILED IN SUPPORT OF ROCHE’S MOTION FOR SUMMARY JUDGMENT
THAT THE ASSERTED CLAIMS OF THE ‘933 PATENT ARE INVALID FOR
INDEFINITENESS AND LACK OF WRITTEN DESCRIPTION**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively, “Roche”) hereby certify, pursuant to the Protective Order dated February 7, 2007 (Docket No. 274), that it served today, via hand-delivery, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Michael R. Gottfried, at Duane Morris LLP, and via overnight mail to Amgen’s counsel, Deborah Fishman at Day Casebeer Madrid Bachelder LLP the following Amgen confidential documents:

1. Confidential Exhibit C to the Declaration of Howard S. Suh in Support of Roche’s Motion for Summary Judgment that the Asserted Claims of the ‘933 Patent are Invalid for Indefiniteness and Lack of Written Description;
2. Confidential Exhibit D to the Declaration of Howard S. Suh in Support of Roche’s Motion for Summary Judgment that the Asserted Claims of the ‘933 Patent are Invalid for Indefiniteness and Lack of Written Description;
3. Confidential Exhibit H to the Declaration of Howard S. Suh in Support of Roche’s Motion for Summary Judgment that the Asserted Claims of the ‘933 Patent are Invalid for Indefiniteness and Lack of Written Description.

Amgen has designated these documents as confidential and accordingly, Roche hereby submits these documents for *in camera* inspection pursuant to the Protective Order because Amgen has not agreed to Roche's request to file the documents in the public record. It is necessary for the Court to review these materials, as they contain important facts and admissions that are highly relevant to the present motion for summary judgment.

Pursuant to paragraph 14 of the Protective Order, Amgen has four (4) Court days to seek leave of Court pursuant to Local Rule 7.2 if it seeks to have the Court deem such documents confidential and require their filing under seal. Roche will oppose any such motion within two (2) days.

Dated: June 14, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys,

/s/ Nicole A. Rizzo

Lee Carl Bromberg (BBO# 058480)
Robert L. Kann (BBO# 258025)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
nrizzo@bromsun.com

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*)
Peter Fratangelo (BBO# 639775)
Vladimir Drozdoff (*pro hac vice*)
David L. Cousineau (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

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

Nicole A. Rizzo