

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
AMGEN, INC.)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 05-12237-WGY
F. HOFFMAN-LA ROCHE LTD., a Swiss)	
Company, ROCHE DIAGNOSTICS GmbH, a)	
German Company, and HOFFMAN-LA ROCHE)	
INC., a New Jersey Corporation)	
)	
Defendants.)	
_____)	

**AMGEN’S MOTION FOR SUMMARY JUDGMENT ON
ROCHE’S ANTITRUST AND STATE LAW COUNTERCLAIMS**

Plaintiff Amgen, Inc. (“Amgen”) hereby moves this Court for an order granting summary judgment in its favor on the antitrust and state law counterclaims (Counts I, III, IV, V, VI, VII, VIII, IX, and X) of Defendants F. Hoffman-La Roche Ltd., Roche Diagnostics GmbH, and Hoffman-La Roche Inc. (collectively “Roche”) pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules.

The grounds for this motion are set forth in the accompanying (1) Memorandum of Law in Support of Amgen’s Motion for Summary Judgment on Roche’s Antitrust and State Law Counterclaims (“Memorandum of Law”); (2) Statement of Undisputed Material Facts Pursuant to Local Rule 56.1 in Support of Amgen’s Motion for Summary Judgment on Roche’s Antitrust and State Law Counterclaims; and (3) Declaration of James M. Fraser in Support of Amgen’s Motion for Summary Judgment on Roche’s Antitrust and State Law Counterclaims. In the accompanying Memorandum of Law, Amgen addresses (a) Roche’s failure to create a triable

issue regarding whether Amgen has engaged in anticompetitive or exclusionary conduct and (b) Roche's inability to meet its burden of demonstrating harm to competition, not merely Roche itself. Amgen reserves the right to contest other elements of Roche's claims.

REQUEST FOR ORAL ARGUMENT

Amgen respectfully requests oral argument on the present summary judgment motion.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for the parties have conferred in an attempt to resolve or narrow the issues that are the subject of this motion and that no agreement could be reached.

/s/ Michael R. Gottfried
Michael R. Gottfried

Dated: June 15, 2007

Respectfully Submitted,

AMGEN INC.,
By its 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 and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael R. Gottfried _____

Michael R. Gottfried