

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 CLAIM 7 OF PATENT NO. 5,756,349 IS INVALID UNDER 35
U.S.C. § 112 AND IS NOT INFRINGED**

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 #274], that it will serve on June 22, 2007, 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, William Gaede, III at McDermott, Will & Emery, the following documents which Amgen (not Roche) has identified as confidential:

1. Confidential version of Roche’s Memorandum in Support of Its Motion for Summary Judgment That Claim 7 of Patent No. 5, 756,349 Is Invalid Under 35 U.S.C. § 112 and Is Not Infringed
2. Confidential version of Rule 56.1 Statement of Undisputed Material Facts in Support of Roche’s Motion for Summary Judgment That Claim 7 of Patent No. 5, 756,349 Is Invalid Under 35 U.S.C. § 112 and Is Not Infringed
3. Confidential Exhibits D, I, J, M-O, Q-T, Z, AA, CC, and DD to the Declaration of Howard S. Suh in Support of Roche’s Motion for Summary Judgment That Claim 7 of Patent No. 5, 756,349 Is Invalid Under 35 U.S.C. § 112 and Is Not Infringed

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 21, 2007
Boston, Massachusetts

Respectfully submitted,

F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE 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 (NEF) and paper copies will be sent to those indicated as non registered participants on June 22, 2007.

/s/ Kimberly J. Seluga
Kimberly J. Seluga

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