

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC.,	)	)
	)	)
Plaintiff,	)	)
	)	)
v.	)	)
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD	)	)
ROCHE DIAGNOSTICS GmbH	)	)
and HOFFMANN-LA ROCHE INC.	)	)
	)	)
Defendants.	)	)
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**NOTICE OF SERVICE OF CONFIDENTIAL DOCUMENTS  
TO BE FILED IN SUPPORT OF ROCHE’S OPPOSITION TO AMGEN’S  
MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT OF ‘422 CLAIM 1, ‘933  
CLAIM 3, and ‘698 CLAIM 4**

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 29, 2007, via overnight mail, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Deborah Fishman at Day Casebeer Madrid & Batchelder LLP, and by hand delivery on Amgen’s counsel Michael Gottfried of Duane Morris, LLP, the following documents which the parties have identified as confidential:

1. Confidential Exhibits 48, 92, 93 113, 123, 127-133, 135-180, 183-89, 191-199, 202-209, 211, 213, 218, 219, 227, 239, 248, 249, 251-260, 272-274 to the Declaration of Keith E. Toms in Support of Roche’s Opposition to Amgen’s Motion for Summary Judgment of Infringement of ‘422 Claim 1, ‘933 Claim 3, and ‘698 Claim 4. These Exhibits have been designated confidential by Roche;
2. Confidential Exhibits 58-65, 67, 68, 70, 79-82, 87, 88, 89, 94, 106, 108, 109, 225, 228, 237, 239, 247 267 to the Declaration of Keith E. Toms in Support of Roche’s Opposition to Amgen’s Motion for Summary Judgment of Infringement of ‘422

Claim 1, '933 Claim 3, and '698 Claim 4. These Exhibits have been designated confidential by Amgen;

3. Confidential Exhibits 37, 95-96, 104, 123 and 282 to the Declaration of Keith E. Toms in Support of Roche's Opposition to Amgen's Motion for Summary Judgment of Infringement of '422 Claim 1, '933 Claim 3, and '698 Claim 4. These Exhibits have been designated confidential by Roche and Amgen
4. The confidential version of Roche's Response to Amgen's Statement of Undisputed Material Fact Pursuant to Local Rule 56.1. These portions reference confidential information in one or more of the Exhibits listed in paragraphs 1 and 2 above.
5. The confidential version of the Declaration of Klibanov and Exhibit A thereto. These portions reference confidential information in one or more of the Exhibits listed in paragraphs 1 and 2 above.
6. Confidential version of the Declaration of Longmore. These portions reference confidential information in one or more of the Exhibits listed in paragraphs 1 and 2 above.

The parties have designated these documents as confidential and accordingly, Roche hereby submits these documents for *in camera* inspection pursuant to the Protective Order. Pursuant to stipulation of the parties, both parties have until July 14, 2007 to seek leave of Court pursuant to Local Rule 7.2 if they seeks to have the Court deem such documents confidential and require their filing under seal.

Dated: June 29, 2007  
Boston, Massachusetts

Respectfully submitted,

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

*By its Attorneys,*

/s/ Keith E. Toms

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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 referenced date.

/s/ Keith E. Toms

Keith E. Toms

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