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## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

AMGEN INC.,	· X
AMOEN INC.,	•
Plaintiff,	:
V.	:
F. HOFFMANN-LA ROCHE, LTD, a Swiss Company, ROCHE DIAGNOSTICS GmbH, a German Company and HOFFMANN-LA ROCHE INC., a New Jersey Corporation,	Civil Action No.: 05-12237 WGY
Defendants.	: :
	· Y

DEFENDANTS' MOTION PURSUANT TO FED. R. CIV. P. 56(f) FOR RELIEF FROM AMGEN INC.'S MOTION FOR SUMMARY JUDGMENT THAT DR. LIN'S ASSERTED CLAIMS ARE DEFINITE, ADEQUATELY DESCRIBED AND ENABLED

Pursuant to FED. R. CIV. P. 56(f), Defendants F. Hoffmann-La Roche, Ltd, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively "Roche") hereby move this Court for an order providing for the opportunity for Roche to supplement its Opposition to Plaintiff Amgen Inc.'s Motion for Summary Judgment that Dr. Lin's Asserted Claims are Definite, Adequately Described and Enabled at such time as the transcript of Amgen's expert Dr. Harvey Lodish is made available for citation. As grounds for this motion, Roche refers to the supporting memorandum which is respectfully incorporated herein by reference.

## **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 presented by this motion and that no agreement could be reached.

Dated: July 5, 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

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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 date.

> /s/ Nicole A. Rizzo Nicole A. Rizzo

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