

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 REPLY TO AMGEN INC.’S OPPOSITION
TO ROCHE’S MOTION FOR SUMMARY JUDGMENT THAT CLAIM 1 OF THE ‘422
PATENT IS INVALID UNDER 35 U.S.C. § 112**

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 July 9, 2007, via hand delivery, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Michael Gottfried at Duane Morris LLP, and via overnight delivery, on Amgen’s counsel, Deborah Fishman at Day Casebeer Madrid & Batchelder LLP, the following documents which Amgen (not Roche) has identified as confidential:

1. Confidential versions of Exhibits 2-3 to Declaration of Krista M. Rycroft In Support Of Roche’s Reply To Amgen Inc.’s Opposition To Roche’s Motion For Summary Judgment that Claim 1 of the ‘422 Patent is Invalid Under 35 U.S.C. § 112;
2. Confidential version of Roche’s Reply to Amgen Inc.’s Opposition to Roche’s Motion for Summary Judgment that Claim 1 of the ‘422 Patent is Invalid Under 35 U.S.C. § 112; and

3. Confidential version of Roche's Response to Amgen's Rule 56.1 Statement of Undisputed Material Facts in Support of its Opposition to Roche's Motion for Summary Judgment that Claim 1 of the '422 Patent is Invalid Under 35 U.S.C. § 112.

Amgen has designated information contained in 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 documents, 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: July 9, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their 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 the above date.

/s/ Nicole A. Rizzo
Nicole A. Rizzo