

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.	)	
_____	)	

**ROCHE’S MOTION FOR LEAVE TO FILE UNDER SEAL DOCUMENTS  
CONTAINING DEFENDANTS’ TRADE SECRETS SUBMITTED IN CONNECTION  
WITH THE PENDLETON AND GALVIN DECLARATIONS**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully request, pursuant to Local Rule 7.2 and the Protective Order, to file select portions of three documents under seal if the Court deems these trade secret portions necessary for its ruling on the matters before it.

Of the twenty-two (22) Roche confidential documents submitted for *in camera* review in connection with the Pendleton Declaration<sup>1</sup> and Galvin Declaration,<sup>2</sup> Roche has limited its present motion to portions of three (3) documents — Pendleton Exhibit Exhibits 36 and 48 and Galvin Exhibit 1 — which contain especially sensitive Roche trade secrets. Attached as Exhibit A, B, and C to the accompanying memorandum are redacted public versions of the Exhibits that omit only the most sensitive Roche trade secret information. Roche believes that the omitted

<sup>1</sup> Declaration of Cullen N. Pendleton in Support of Amgen’s Opposition to 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 (Docket No. 628), which were submitted to the Court for *in camera* review on July 5, 2007.

<sup>2</sup> Declaration of Robert M. Galvin in Support of Amgen Inc.’s Reply in Support of Its Motion for Summary Judgment of Infringement of ‘422 Claim 1, ‘933 Claim 3, and ‘698 Claim 6 (Docket No. 665), which was submitted for *in camera* review on July 9, 2007.

information is unnecessary for the Court's ruling on the motions before it, and thus Roche respectfully requests that the Court accept the redacted public versions of these documents instead of the full documents which contain Roche's trade secrets. To the extent that the Court requires the omitted information, however, Roche respectfully requests that the unredacted trade secret versions of these documents be filed under seal.

In support of this motion, Roche relies on the accompanying Memorandum of Law and Declaration of Susan Batcha.

**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 Amgen does not oppose the filing of the unredacted versions of the Exhibits under seal.

DATED: Boston, Massachusetts  
July 16, 2007

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/ Keith E. Toms  
Keith E. Toms