

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD )  
 ROCHE DIAGNOSTICS GmbH )  
 and HOFFMANN-LA ROCHE INC. )  
 )  
 Defendants. )

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CIVIL ACTION No.: 05-CV-12237WGY

**ROCHE’S MOTION FOR LEAVE TO REPLY IN FURTHER SUPPORT OF ITS  
MOTION PURSUANT TO FED. R. CIV. P. 56(f) FOR RELIEF FROM AMGEN INC.’S  
MOTION FOR SUMMARY JUDGMENT OF NO INEQUITABLE CONDUCT**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully submit this Motion For Leave To Reply in Further Support of Its Motion Pursuant to Fed. R. Civ. P. 56(f) for Relief from Amgen Inc.’s Motion for Summary Judgment of No Inequitable Conduct. Roche’s proposed reply brief is attached hereto.

In support of this motion, Roche states that its reply is limited to new issues raised in Plaintiffs’ opposition that Roche has not yet had an opportunity to address. Roche believes that the attached reply will assist the Court in ruling on the pending motion.

**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 no agreement was reached.

Dated: July 16, 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/ Keith E. Toms  
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