

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

CIVIL ACTION No.: 05-CV-12237WGY

**NOTICE OF SERVICE OF CONFIDENTIAL FRESENIUS DOCUMENT
TO BE FILED IN SUPPORT OF SUPPLEMENTAL DECLARATION OF DAVID L.
COUSINEAU IN FURTHER SUPPORT OF ROCHE’S OPPOSITION TO AMGEN’S
MOTION FOR SUMMARY JUDGMENT ON ROCHE’S ANTITRUST AND STATE
LAW COUNTERCLAIMS**

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 16, 2007, via hand delivery, on Third Party Fresenius Medical Care North America (“Fresenius”) counsel, Mark Hebert at Fish & Richardson P.C., the following document which Fresenius (not Roche) has identified as confidential:

Confidential Exhibit 258 to the Supplemental Declaration of David L. Cousineau in Further Support of Roche’s Opposition to Amgen’s Motion to Summary Judgment on Roche’s Antitrust and State Law Counterclaims.

Fresenius has designated this document as confidential and accordingly, Roche hereby submits this document for *in camera* inspection pursuant to the Protective Order. It is

necessary for the Court to review this document, as it contains important facts and admissions that are highly relevant to the present motion for summary judgment.

Pursuant to paragraph 14 of the Protective Order, Fresenius has four (4) Court days to seek leave of Court pursuant to Local Rule 7.2 if it seeks to have the Court deem this document confidential and require its filing under seal.

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/ Kimberly J. Seluga
Kimberly J. Seluga

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