

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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AMGEN INC.,))	
))	
Plaintiff,))	
))	
v.))	
))	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD))	
ROCHE DIAGNOSTICS GmbH))	
and HOFFMANN-LA ROCHE INC.))	
))	
Defendants.))	
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**DEFENDANTS’ MOTION FOR LEAVE TO FILE REPLY
IN FURTHER SUPPORT OF MOTION FOR SUMMARY JUDGMENT
THAT AMGEN IS ESTOPPED FROM ASSERTING INFRINGEMENT UNDER THE
DOCTRINE OF EQUIVALENTS FOR THE ASSERTED CLAIMS OF THE
‘933 AND ‘422 PATENTS**

Pursuant to Local Rule 7.1(B)(3), Defendants F. Hoffmann-La Roche LTD, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (“Roche”) seek leave to file the attached reply in support of their Motion for Summary Judgment that Amgen is Estopped from Asserting Infringement Under the Doctrine of Equivalents for the Asserted Claims of the ‘933 and ‘422 Patents (Docket No. 620).

As grounds for this motion, Roche states that Amgen’s opposition papers (Docket Nos. 716 and 718) raise new points that Roche has not yet had an opportunity to address. Roche believes that the attached reply, which is only 8 pages long, will assist the Court in ruling on the pending motion because it clarifies the issues and responds to the new points raised in Amgen's opposition.

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 counsel for Amgen Inc. did not assent to this motion.

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/ Julia Huston
Julia Huston