

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.)	
_____)	

Defendants’ Motion for Leave to File Under Seal Defendants’ Trade Secret Contained in Amgen Inc.’s Reply Memorandum of Law in Support of 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”) respectfully move, pursuant to Local Rule 7.2 and the Protective Order, to file under seal Defendants’ trade secret contained in Amgen Inc.’s Reply Memorandum of Law in Support of Amgen’s Motion for Summary Judgment on Roche’s Antitrust and State Law Counterclaims, filed on June 9, 2007 (“Amgen’s Reply Brief”).

Roche seeks to protect the highly confidential trade secret information relating to its preliminary launch price for Mircera® (the “Preliminary Launch Price”), the public disclosure of which would irreparably harm Roche’s ability to compete in the erythropoiesis stimulating agent (“ESA”) markets and its position in the highly competitive pharmaceutical industry. Accordingly, Roche requests that the Preliminary Launch Price contained in Amgen’s Reply Brief be filed under seal.

In support of this motion, Roche relies on the accompanying Memorandum of Law and the Declaration of Manvin S. Mayell and Exhibit 1 thereto.

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 could be reached.

DATED: Boston, Massachusetts
July 16, 2007

Respectfully submitted,

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

By Its Attorneys,

/s/ Thomas F. Fleming

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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/ Thomas F. Fleming
Thomas F. Fleming

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