

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

**DEFENDANTS’ MOTION FOR LEAVE TO REPLY IN FURTHER SUPPORT OF
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT THAT CLAIM 1 OF U.S.
PATENT NO. 5,995,422 IS INVALID FOR INDEFINITENESS AND LACK OF
WRITTEN DESCRIPTION, AND DEFENDANTS’ OPPOSITION TO AMGEN’S
ALTERNATIVE MOTION TO STRIKE**

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 Defendants’ Motion for Summary Judgment that Claim 1 of U.S. Patent No. 5,995,422 is Invalid for Indefiniteness and Lack of Written Description, and Defendants’ Opposition to Amgen’s Alternative Motion to Strike. Roche’s proposed reply brief is attached hereto.

In support of this motion, Roche states that Defendants’ 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

/s/ Keith E. Toms
Lee Carl Bromberg (BBO# 058480)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
ktoms@bromsun.com

Leora Ben-Ami (*pro hac vice*)
Mark S. Popofsky (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
Peter Fratangelo (BBO# 639775)
Vladimir Drozdoff (*pro hac vice*)
Julian Brew (*pro hac vice*)
David L. Cousineau (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

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

03099/00501 704931.1