



fact that Roche did not object to the admission of four other lawyers from McDermott Will & Emery's Washington office.

2. As set forth in the declaration of Raphael V. Lupo, filed herewith and provided to Roche in advance of the filing of this Motion, Mr. Lupo understands and has and will abide by "ethical wall between those attorneys providing tax, regulatory, employment or other advice to Roche . . . ." See Lupo Dec. at ¶ 4.

3. As with any such ethical wall, the intended purpose of the wall, as expressly stated in the waiver letters, is to screen the attorneys that have access to Roche information from the work they perform for Roche from the attorneys that do not have access to such information, and, this is exactly what the ethical wall has been and will continue to be even with the admission of Mr. Lupo. While at the time the waiver letters were executed a geographical separation existed, as the McDermott Will & Emery attorneys representing Amgen were located in the Silicon Valley office and the attorneys representing Roche were located in the Washington D.C. office, such a geographical separation was not intended nor necessary, again as confirmed by Roche's failure to object to the admission of four other lawyers from McDermott Will & Emery's Washington, D. C. office.

4. Indeed, Mr. Lupo has never had access to any confidential information of Roche in connection with the firm's representation of Roche. Id. at 5. He has not performed work for Roche, nor does he perform legal duties with respect to tax, regulatory or employment practices of the firm. Id.

Based on the foregoing, and in light of Mr. Lupo's declaration submitted herewith, Roche's objection to the admission *pro hac vice* of Mr. Lupo in this matter is without merit. Accordingly, this Court should grant Mr. Lupo's request for admission *pro hac vice*.

Dated: July 24, 2007

Respectfully Submitted,

AMGEN INC.,  
By its attorneys,

Of Counsel:

/s/ Michael R. Gottfried

Stuart L. Watt  
Wendy A. Whiteford  
Monique L. Cordray  
Darrell G. Dotson  
Kimberlin L. Morley  
Erica S. Olson  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1789  
(805) 447-5000

D. Dennis Allegretti (BBO#545511)  
Michael R. Gottfried (BBO# 542156)  
Patricia R. Rich (BBO# 640578)  
DUANE MORRIS LLP  
470 Atlantic Avenue, Suite 500  
Boston, MA 02210  
Telephone: (857) 488-4200  
Facsimile: (857) 488-4201

Lloyd R. Day, Jr. (*pro hac vice*)  
DAY CASEBEER, MADRID &  
BATCHELDER LLP  
20300 Stevens Creek Boulevard, Suite 400  
Cupertino, CA 95014  
Telephone: (408) 873-0110  
Facsimile: (408) 873-0220

William G. Gaede, III (*pro hac vice*)  
McDERMOTT WILL & EMERY  
3150 Porter Drive  
Palo Alto, CA 94304  
Telephone: (650) 813-5000  
Facsimile: (650) 813-5100

Kevin M. Flowers (*pro hac vice*)  
MARSHALL, GERSTEIN & BORUN LLP  
233 South Wacker Drive  
6300 Sears Tower  
Chicago, IL 60606  
Telephone: (312) 474-6300  
Facsimile: (312) 474-0448

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

I certify that counsel for the plaintiff attempted to confer with counsel for the defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, in an effort to resolve or narrow the issues presented by this motion but were unsuccessful in their attempt.

*/s/ Michael R. Gottfried*

\_\_\_\_\_  
Michael R. Gottfried

**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 and paper copies will be sent to those indicated as non-registered participants.

*/s/ Michael R. Gottfried*

\_\_\_\_\_  
Michael R. Gottfried