

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION No.: 05-cv-12237WGY
)	
)	
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GmbH, and)	ORAL ARGUMENT REQUESTED
HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
)	
)	

DEFENDANTS’ MOTION TO DISMISS THE AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Defendants”) move to dismiss the Amended Complaint of Plaintiff Amgen, Inc., dated April 25, 2006 (“Amended Complaint”), for lack of subject matter jurisdiction and failure to state a cause of action. In addition, pursuant to Fed. R. Civ. P 12(b)(2), the defendants F. Hoffmann-La Roche Ltd and Roche Diagnostics GmbH move to dismiss the Amended Complaint for lack of personal jurisdiction.

In support of this motion, Defendants refer the Court to the following previously filed submissions on record:

Defendants’ Motion To Dismiss For Lack of Subject Matter Jurisdiction and Failure to State a Cause of Action, supporting memoranda, declarations, and reply papers [Docket Entries 44, 45, 46, 49, 51, 62, and 63];

Motion to Dismiss For Lack of Jurisdiction By Defendant F. Hoffman-La Roche LTD, supporting memoranda, declarations, and reply papers [Docket Entries 41, 42, 43, and 59]; and

Motion to Dismiss For Lack of Jurisdiction By Defendant Roche Diagnostics GmbH, supporting memoranda, declarations, and reply papers [Docket Entries 38, 39, 40, 47, 60, 61, and 66].

The foregoing motions are scheduled to be heard on May 10, 2006. The filing of this motion to dismiss the Amended Complaint will not affect this hearing date.

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: Boston, Massachusetts
May 9, 2006

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

By its attorneys,

/s/ Julia Huston
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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