

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, a )  
 Swiss Company, ROCHE DIAGNOSTICS )  
 GMBH, a German Company, and )  
 HOFFMANN LA ROCHE INC., a New )  
 Jersey Corporation, )  
 )  
 Defendants. )

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Civil Action No.: 1:05-cv-12237 WGY

**AMGEN INC.’S MOTION TO DEEM THE  
DECLARATION OF LLOYD R. DAY IN SUPPORT OF AMGEN’S  
OPPOSITION TO DEFENDANTS’ MOTION TO PRECLUDE TESTIMONY FROM  
AMGEN’S BELATEDLY DISCLOSED FACT WITNESSES CONFIDENTIAL**

Pursuant to Local Rule 7.2 and Paragraph 14 of the Amended Protective Order, Amgen Inc., moves for the Court to deem confidential the Declaration of Lloyd R. Day in Support of Amgen’s Opposition to Defendant’s Motion to Preclude Testimony from Amgen’s Belatedly Disclosed Fact Witnesses and allow Amgen to file said declaration under seal.

As grounds for this motion, Amgen states that the declaration contains personal medical information concerning a third-party witness. Allowing Amgen to file this declaration under seal with protect the privacy of the witness.

WHEREFORE, Amgen respectfully requests the Court to deem confidential the Declaration of Lloyd R. Day in Support of Amgen’s Opposition to Defendant’s Motion to Preclude Testimony from Amgen’s Belatedly Disclosed Fact Witnesses and allow it to be filed under seal with the Court until such time as the Court.

July 30, 2007

Respectfully Submitted,  
AMGEN INC.,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing (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/ Michael R. Gottfried  
Michael R. Gottfried

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

I certify that counsel for the Plaintiff has conferred with counsel for the Defendants, F. Hoffman-LaRoche Ltd., Hoffman LaRoche Inc. and Roche Diagnostics GmbH, and Roche assents to the filing of this motion.

/s/ Michael R. Gottfried  
Michael R. Gottfried