

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)	
HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ NOTICE OF FILING WITH CLERK’S OFFICE OF EXHIBITS TO
DECLARATION OF HOWARD S. SUH PREVIOUSLY SUBMITTED IN SUPPORT OF
ROCHE’S MOTION FOR SUMMARY JUDGMENT THAT CLAIM 7 OF PATENT NO.
5,756,349 IS INVALID UNDER 35 U.S.C. § 112 AND IS NOT INFRINGED**

Pursuant to CMF/ECF Administrative Procedures Rule M(6) notice is hereby given that the exhibits listed below have been manually filed with the Court and are available in paper form only.¹ The original documents are maintained in the case file in the Clerk’s Office.

- Exhibit A Excerpted pages from Plaintiff’s Supplemental Response to Defendants’ First set of Interrogatories (Nos. 1-12) at 3, 21.
- Exhibit B U.S. Patent No. 5,756,349.
- Exhibit C Excerpts from the March 17, 2007 Markman Hearing Transcript at 27, 39.
- Exhibit D Excerpts from the March 28, 2007 Deposition Transcript of Fu-Kuen Lin at 73-74.
- Exhibit E Excerpts from the February 14, 2007 Deposition Transcript of Eugene Goldwasser at 49-54, 56.

¹ The original exhibits to the Declaration of Howard S. Suh in Support of Roche’s Motion for Summary Judgment that Claim 7 of the ‘349 Patent is Invalid Under 35 U.S.C. § 112 and is Not Infringed (DN 542) were previously filed with the Court or submitted for *in camera* review on June 22, 2007. Due to the voluminous nature of these exhibits, the exhibits are being re-filed with the Court in paper form in their entirety pursuant to CMF/ECF Rule M(6).

- Exhibit F Excerpts from the May 11, 2007 Rebuttal Expert Statement of Ronald W. McLawhon, M.D., Ph.D., at ¶¶ 34, 51, 75.
- Exhibit G Excerpts from the May 11, 2007 Rebuttal Expert Statement of Eugene Goldwasser, Ph.D., at ¶¶ 48, 120.
- Exhibit H Excerpts from the April 30, 2007 Expert Report of Ronald W. McLawhon, M.D., Ph.D., at ¶¶ 12-24, 32.
- Exhibit I Excerpts from the March 27, 2007 Deposition Transcript of Joan Egrie at 45-46, 52, 54-57, 60-61, 64-65, 134-37, 170-71, 182-85, 194.
- Exhibit J Excerpt from the May 17, 2007 Deposition Transcript of Ronald W. McLawhon at 131, 133, 151-52, 220-21.
- Exhibit K AM-ITC 01006801-05.
- Exhibit L Sherwood, J.B., & Goldwasser, E. (1979) *Blood* 54, 885-93.
- Exhibit M AM-ITC 00156690-718.
- Exhibit N Excerpts from the May 31, 2007 deposition of Eugene Goldwasser at 177-178.
- Exhibit O AM-ITC-00558658-65.
- Exhibit P Annable L., *et al.* (1972) *Bull. Wld. Hlth. Org.* 47, 99-112.
- Exhibit Q UCH000005950-51.
- Exhibit R AM-ITC 00134725.
- Exhibit S AM-ITC 00061675-706.
- Exhibit T AM-ITC 00558618-20.
- Exhibit U Excerpts from the May 1, 2007 Supplemental Expert Report of Dr. Thomas Kadesch at ¶¶ 46, 48.
- Exhibit V Excerpt from the June 4, 2007 Supplemental Expert Report of Harvey F. Lodish, Ph.D at ¶ 50.
- Exhibit W AM-ITC 00953207.
- Exhibit X AM-ITC 00953598.
- Exhibit Y AM-ITC 00953638.
- Exhibit Z AM-ITC 00550541-44.

- Exhibit AA Excerpts from the June 16, 2007 Deposition Transcript of Paul Kincade, Ph.D. at 280-81.
- Exhibit BB Excerpts from the Expert Statement of Richard D. Kolodner, Ph.D. at ¶¶ 12-13, 18-19, 22.
- Exhibit CC AM-ITC 00550777-82.
- Exhibit DD AM-ITC 00550986-1044.

Dated: August 2, 2007
Boston, Massachusetts

Respectfully submitted,

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

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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/ Kregg T. Brooks
Kregg T. Brooks

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