

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-12237 WGY

**DEFENDANTS' SUPPLEMENTAL NOTICE OF FILING WITH CLERK'S OFFICE OF  
EXHIBITS PREVIOUSLY SUBMITTED IN SUPPORT OF ROCHE'S OPPOSITION TO  
AMGEN'S MOTION FOR SUMMARY JUDGMENT ON THE ANTITRUST AND  
STATE LAW COUNTERCLAIMS**

Pursuant to CMF/ECF Administrative Procedures Rule M(6), notice is hereby given that the exhibits listed below to the Declaration of David L. Cousineau (DN 559) and the Supplemental Declaration of David L. Cousineau (DN 745) in Support of Roche's Opposition to Amgen's Motion for Summary Judgment on Roche's Antitrust and State Law Counterclaims have been manually filed with the Court and are available in paper form only.<sup>1</sup> The original documents are maintained in the case file in the Clerk's Office.

Exhibit 85 Redacted version of excerpts from the April 6, 2007 Expert Report of Einer Elhauge. The confidential version of this exhibit was filed under seal on August 6, 2007, leave having been given by Court Order of July 31, 2007.

Exhibit 209 Withheld in its entirety as leave was given to seal entire document by Court Order of July 31, 2007.

Exhibit 257 Redacted version of document bates numbered AM44 2024585 - AM44 2024588 as produced by Amgen on July 12, 2007. The confidential version of this exhibit

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<sup>1</sup> These exhibits were withheld, due to motions to seal by third parties Fresenius Medical Care Holdings, Inc. and DaVita, Inc. (DN 779 and DN 785).

was filed under seal on August 6, 2007, leave having been given by Court Order of July 31, 2007.

Exhibit 259 Redacted version of document bates numbered AM44 2024592 - AM44 2024596 as produced by Amgen on July 12, 2007. The confidential version of this exhibit was filed under seal on August 6, 2007, leave having been given by Court Order of July 31, 2007.

Dated: August 6, 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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