

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD )  
 ROCHE DIAGNOSTICS GmbH )  
 and HOFFMANN-LA ROCHE INC. )  
 )  
 Defendants. )

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CIVIL ACTION No.: 05-CV-12237WGY

**NOTICE OF SERVICE OF CONFIDENTIAL DOCUMENTS TO BE FILED IN  
SUPPORT OF ROCHE’S MOTION *IN LIMINE* TO PRECLUDE PLAINTIFF FROM  
OFFERING INTO EVIDENCE OR REFERENCING TO THE JURY THE JUNE 2001  
SETTLEMENT AGREEMENT**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively, “Roche”) hereby certify, pursuant to the Protective Order dated February 7, 2007 [docket #274], that it will serve on August 14, 2007, via hand delivery, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Michael Gottfried at Duane Morris LLP, and via overnight delivery, on Amgen’s counsel, Deborah Fishman at Day Casebeer Madrid & Batchelder LLP, the following documents which Amgen and/or Wyeth and/or Johnson & Johnson have identified as confidential:

1. Confidential version of Exhibit A of Roche’s Memorandum in Support of Defendants’ Motion *in Limine* To Preclude Plaintiff From Offering Into Evidence Or Referencing To The Jury The June 2001 Settlement Agreement; and
2. Confidential version of Roche’s Memorandum in Support of Defendants’ Motion *in Limine* To Preclude Plaintiff From Offering Into Evidence Or Referencing To The Jury The June 2001 Settlement Agreement.

Amgen and/or Wyeth and/or Johnson & Johnson have designated information contained in these documents as confidential and accordingly, Roche hereby submits these documents for *in camera* inspection pursuant to the Protective Order because Amgen and/or Wyeth and/or Johnson & Johnson have not agreed to Roche's request to file the documents in the public record. It is necessary for the Court to review these documents, as they contain important facts and admissions that are highly relevant to the present motion.

Pursuant to the protective order, Amgen and/or Wyeth and/or Johnson & Johnson have four (4) Court days to file either a motion supported by a particularized affidavit(s) as to why the information is confidential trade secret material, or to consent to filing the information in the public record; and Roche has two (2) Court days thereafter in which to respond to such motion to treat the information as confidential trade secret information.

Dated: August 14, 2007  
Boston, Massachusetts

Respectfully submitted,

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

*By their Attorneys,*

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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/ Nicole A. Rizzo  
Nicole A. Rizzo

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