

125 SUMMER STREET BOSTON MA 02110-1618

T 617 443 9292 F 617 443 0004 WWW.BROMSUN.COM

BROMBERG * SUNSTEIN LLP

FILED
IN CLERKS OFFICE

2006 MAY 18 10:51
CARL BROMBERG
T 617 443 9292 X213
BROMBERG@BROMSUN.COM
U.S. DISTRICT COURT
DISTRICT OF MASS.

May 18, 2006

By Hand

The Honorable William G. Young
District Judge
United States District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Room 5710
Boston, MA 02210-3002

Re *Amgen, Inc., v. F. Hoffmann La Roche Ltd et al.*
U.S.D.C. D.Mass. Civil Action No. 05-1227-WGY
Our File 03099/00501

Dear Judge Young:

Amgen Inc. v. F. Hoffmann-La Roche LTD et al

Doc. 85

As attorneys for Defendants in this action, we write to report to the Court that Defendants Roche Diagnostics GMBH and F. Hoffmann-La Roche, for the reasons explained below, have today respectfully withdrawn their motions to dismiss for lack of personal jurisdiction.

The International Trade Commission ("ITC") initiated an investigation under a similar complaint filed by Amgen against the same defendants that are before this Court. If the ITC proceeding goes forward at this time notwithstanding Defendants' objection that their current activities are protected under 35 U.S.C. § 271(e)(1), issues of personal jurisdiction will not control that proceeding.

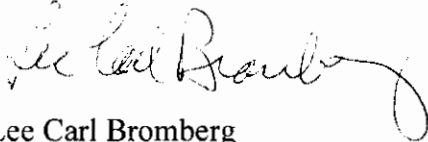
At the same time, it has come to light that Defendants were mistaken concerning certain details relating to the shipping and packaging of the accused product sent to the United States. After the drug is manufactured in Germany, some material is shipped directly to New Jersey while some material is first sent to Switzerland for packaging and from there it is shipped to New Jersey.

Rather than file amended motion papers to reflect these changed details, Defendants have decided to withdraw their motions to dismiss for lack of personal jurisdiction, to avoid unnecessarily burdening the Court's docket, because Defendants must respond in any event

The Honorable. William G. Young
United States District Court for the District of Massachusetts
May 18, 2006
Page 2

in the ITC proceedings, and because facts at the time of subsequent FDA approval may differ still further, as mentioned at oral argument.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Carl Bromberg", with a long, sweeping flourish extending to the right.

Lee Carl Bromberg

LCB/jmc

cc: Leora Ben-Ami, Esq. (via facsimile)
Patricia A. Carson, Esq. (via facsimile)
Lloyd R. Day, Jr., Esq. (via facsimile)
Michael R. Gottfried, Esq. (via facsimile)
David L. Ferrera, Esq. (via facsimile)

03099/00501 497540.1