

AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: 1:05-CV-12237 WGY
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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**AMGEN’S MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL MEMORANDUM REGARDING  
DEFENDANTS’ MOTION TO PRECLUDE TESTIMONY FROM BELATEDLY  
DISCLOSED FACT WITNESSES AND DECLARATION IN SUPPORT THEREOF**

Pursuant to L.R. 7.1(b)(3), Amgen Inc. respectfully moves this Court for leave to file a Supplemental Memorandum Regarding Defendants’ Motion to Preclude Testimony from Belatedly Disclosed Fact Witness (attached hereto as Exhibit A) and a declaration in support thereof (attached hereto as Exhibit B).

Amgen submits that this supplemental memorandum and declaration are responsive to the Court’s August 21, 2007 Order denying in part Roche’s Motion to Preclude Testimony From Amgen’s Belatedly Disclosed Fact Witnesses. Given the Court’s desire to further review the issue of whether Dennis Fenton may testify as a fact witness, Amgen seeks to file the attached supplemental memorandum and declaration, which it believes will assist the Court in its further review.

WHEREFORE, Amgen respectfully moves this Court for leave to file this its Supplemental Memorandum Regarding Defendants’ Motion to Preclude Testimony from Belatedly Disclosed Fact Witness.

DATED: August 24, 2007

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Respectfully Submitted,

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**CERTIFICATE PURSUANT TO LOCAL RULE 7.1**

I certify that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion and no agreement was reached.

/s/ Michael R. Gottfried  
Michael R. Gottfried

**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  
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