

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 05-12237 WGY
	)	
	)	
F. HOFFMANN-LAROCHE	)	
LTD., a Swiss Company, ROCHE	)	
DIAGNOSTICS GmbH, a German	)	
Company and HOFFMANN LAROCHE	)	
INC., a New Jersey Corporation,	)	
	)	
Defendants.	)	
_____	)	

**[PROPOSED] MEMORANDUM AND ORDER**

**YOUNG, D.J.**

**May \_\_, 2006**

**After consideration of Amgen Inc.’s Report Pursuant to the Court’s May 11, 2006 Order and Motion and Memorandum for Additional Discovery and further to the Court’s May 11, 2006 Memorandum and Order, the Court orders Defendants to provide to Plaintiff in writing by no later than May 30, 2006 information regarding the corporate relationship of the various Roche corporate entities and their respective roles in connection with:**

- (1) the manufacture of CERA;
- (2) the importation of CERA into the United States;
- (3) any application to investigate the clinical use of CERA in patients in the United States;

- (4) the clinical development of CERA;
- (5) the application for FDA approval to manufacture, import into the United States, market and sell CERA;
- (6) the recruitment, training or employment of marketing, sales and reimbursement personnel for CERA;
- (7) purchase, sale, transfer or distribution of CERA within the United States by any Roche entity; and
- (8) communications or agreements with third party distributors, large dialysis operators or other health care providers regarding any use of CERA in the United States.

The Court denies the April 11, 2006 motion of defendants F. Hoffman La-Roche, Ltd., Roche Diagnostics GmbH, and Hoffman La-Roche, Inc., under Rule 12(b)(6) to dismiss the complaint. The Court will issue a separate order scheduling a Case Management Conference in this matter.

**[Alternatively:** The Court grants Amgen the right to conduct limited additional discovery to meet and rebut the factual contentions on which Roche's pending Rule 12(b)(6) motion is based and orders that this discovery be conducted according to the following expedited schedule:

Parties propound interrogatories, requests for production of documents and notices of deposition related to Roche's pending Rule 12(b)(6) motion	June 2, 2006
Parties respond to interrogatories and requests for production of documents	June 16, 2006
Completion of depositions relating to Rule 12(b)(6) motion	June 30, 2006
Parties simultaneously file supplemental reply either in support or in opposition to Roche's pending Rule 12(b)(6) motion	July 14, 2006

SO ORDERED.

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WILLIAM G. YOUNG  
DISTRICT COURT JUDGE