

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,

Plaintiff,

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.

Civil Action No. 05-12237 WGY

**ROCHE'S MOTION FOR LEAVE TO FILE A REPLY IN FURTHER SUPPORT  
OF ITS MOTION *IN LIMINE* TO PRECLUDE AMGEN INC.  
FROM ASSERTING THAT THE GENERATION OF TRYPTIC  
FRAGMENTS AND DETERMINATION OF THE AMINO  
ACID SEQUENCE OF EPO WAS NOVEL AND NON-OBVIOUS**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. ("Roche") respectfully request leave to file a reply to Amgen Inc.'s Opposition to Roche's Motion *in Limine* to Preclude Amgen Inc. from Asserting that the Generation of Tryptic Fragments and Determination of the Amino Acid Sequence of EPO was Novel and Non-Obvious (D.I. 880). Roche's proposed reply is attached hereto as Exhibit A.

Roche seeks to file this reply to address certain factual and legal assertions raised in Amgen's Opposition. Roche's brief proposed reply is primarily limited to the issues raised in Amgen's Opposition, and Roche believes that it will aid the Court in deciding the issues at hand.

**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 has been reached.

Dated: August 30, 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/ Keith E. Toms  
Keith E. Toms

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