

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

CIVIL ACTION No.: 05-CV-12237WGY

**NOTICE OF SERVICE OF CONFIDENTIAL DOCUMENTS TO BE FILED IN
SUPPORT OF DEFENDANTS’ MOTION FOR LEAVE TO REPLY IN FURTHER
SUPPORT OF ITS 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 that contain information which Amgen and/or Wyeth and/or Johnson & Johnson have identified as confidential:

1. Confidential Version Exhibit A to Defendants’ Motion for Leave to Reply in Further Support of Its 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 31, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys,

/s/ Keith E. Toms
Lee Carl Bromberg (BBO# 058480)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
Kimberly J. Seluga (BBO# 667655)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
ktoms@bromsun.com

Leora Ben-Ami (*pro hac vice*)
Mark S. Popofsky (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
Peter Fratangelo (BBO# 639775)
Vladimir Drozdoff (*pro hac vice*)
David L. Cousineau (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

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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