

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GMBH,)	
and HOFFMANN-LA ROCHE INC.,)	
)	
Defendants.)	
_____)	

**ROCHE’S MOTION FOR LEAVE TO FILE UNDER SEAL DOCUMENTS
CONTAINING DEFENDANTS’ TRADE SECRETS SUBMITTED IN CONNECTION
WITH AMGEN’S MOTION *IN LIMINE* NO. 13**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully request, pursuant to the Protective Order and Local Rule 7.2, to file under seal documents containing Roche’s confidential and trade secret materials submitted for *in camera* review by Amgen, if the Court deems these materials necessary for its ruling on Amgen’s Motion *In Limine* No. 13 (Docket No. 856).

Fishman Exhibits 1-4 and 7 (“The Exhibits”),¹ contain highly sensitive, confidential trade secret information belonging to Roche, including information drawn from Roche documents regarding the clinical testing for Roche’s MIRCERA[®]. The Exhibits shouldn’t be accepted for filing at all, under seal or otherwise, because the confidential information contained in these documents is unnecessary and irrelevant for Amgen’s motion. If the Court does deem these

¹ Declaration of Deborah E. Fishman in Support of Amgen Inc.’s Motion *In Limine* No. 13: Exclude Evidence and Argument Regarding Roche’s FDA Filings and Communications that It Withheld Throughout Fact Discovery (Docket No. 858). These Exhibits were submitted to the Court for *in camera* review on August 22, 2007. While Roche maintains that all of the exhibits submitted for *in camera* review are highly confidential documents, in light of the Court’s requirement that only trade secrets be filed under seal, Roche will not object to Exhibits 5 being filed in the public record if the Court deems it necessary to decide Amgen’s motion.

documents necessary for its ruling, however, Roche requests that the Exhibits be filed under seal to protect Roche's highly confidential trade secrets contained within.

In support of this motion, Roche relies on the accompanying Memorandum of Law and Declaration of Krishnan Viswanadhan.

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 that no agreement was reached.

DATED: Boston, Massachusetts
August 31, 2007

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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