

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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

**PLAINTIFF AMGEN INC.'S PROPOSED SPECIAL VERDICT FORM**

Plaintiff Amgen Inc. respectfully requests that the Court give the attached Special Verdict Form attached hereto as Exhibit A to the jury to assist in their deliberations.<sup>1</sup>

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<sup>1</sup> As noted in the Joint Pretrial Memorandum (D.I. 807), it is Amgen’s position that obviousness-type double patenting is a matter of law purely for the Court to decide. *See In re Metoprolol Succinate Patent Litig.*, 2007 U.S. App. LEXIS 17463, at \*10-11 (Fed. Cir. July 23, 2007). Amgen maintains this position, and addresses ODP in the accompanying proposed special verdict form in the alternative, should the Court decide to submit ODP issues to the jury. Amgen reserves the right to contest the submission of ODP issues to the jury.

Respectfully Submitted,

Date:

AMGEN INC.,  
By its attorneys,

Of Counsel:

STUART L. WATT  
WENDY A. WHITEFORD  
MONIQUE L. CORDRAY  
DARRELL G. DOTSON  
KIMBERLIN L. MORLEY  
ERICA S. OLSON  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1789  
(805) 447-5000

                  /s/                   Patricia R. Rich  
D. DENNIS ALLEGRETTI (BBO#545511)  
MICHAEL R. GOTTFRIED (BBO#542156)  
PATRICIA R. RICH (BBO#640578)  
DUANE MORRIS LLP  
470 Atlantic Avenue, Suite 500  
Boston, MA 02210  
Telephone: (857) 488-4200  
Facsimile: (857) 488-4201

LLOYD R. DAY, JR. (*pro hac vice*)  
DAY CASEBEER  
MADRID & BATCHELDER LLP  
20300 Stevens Creek Boulevard, Suite 400  
Cupertino, CA 95014  
Telephone: (408) 873-0110  
Facsimile: (408) 873-0220

WILLIAM GAEDE III (*pro hac vice*)  
McDERMOTT WILL & EMERY  
3150 Porter Drive  
Palo Alto, CA 94304  
Telephone: (650) 813-5000  
Facsimile: (650) 813-5100

KEVIN M. FLOWERS (*pro hac vice*)  
MARSHALL, GERSTEIN & BORUN LLP  
233 South Wacker Drive  
6300 Sears Tower  
Chicago IL 60606  
Telephone: (312) 474-6300  
Facsimile: (312) 474-0448

**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/ Patricia R. Rich  
Patricia R. Rich