

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

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CIVIL ACTION No.: 05-CV-12237WGY

**DEFENDANTS’ MOTION FOR LEAVE TO REPLY IN SUPPORT OF ITS MOTION *IN LIMINE* TO PRECLUDE AMGEN INC. FROM MAKING ASSERTIONS THAT CONTRADICT STATEMENTS MADE IN THE SPECIFICATIONS OF THE PATENTS-IN-SUIT**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully submit this Motion For Leave To Reply To Plaintiff Amgen Inc.’s Opposition to Defendants’ Motion *in Limine* to Preclude Plaintiff Amgen Inc. from Making Assertions that Contradict Statements Made in the Specifications of the Patents-in-Suit, filed on August 27, 2007 (Docket No. 881). Roche’s proposed reply brief is attached hereto as Exhibit A.

In support of this motion, Roche states that its proposed reply brief is limited to the issues raised in Amgen’s opposition, is concise, and will be of assistance to the Court.

**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 was reached.

Dated: September 1, 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/ Kregg T. Brooks  
Kregg T. Brooks