

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

AMGEN, INC.,

Plaintiff,

v.

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

Defendants.

Civil Action No. 05-12237 WGY

**MOTION FOR LEAVE TO REPLY IN FURTHER SUPPORT OF ROCHE'S
MOTION *IN LIMINE* TO PRECLUDE AMGEN FROM OFFERING EXPERT
OPINIONS BASED ON STATEMENTS MADE DURING PRIOR LEGAL
PROCEEDINGS BY WITNESSES WHO WILL NOT TESTIFY AT TRIAL IN
THIS CASE**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively "Roche") respectfully move for leave to reply in further support of Roche's Motion In Limine To Preclude Amgen From Offering Expert Opinions Based On Statements Made During Prior Legal Proceedings By Witnesses Who Will Not Testify At Trial In This Case (Docket No. 816). Roche's proposed reply 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 3, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys,

/s/ Nicole A. Rizzo

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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 will be delivered to Amgen's trial counsel by electronic mail in the manner requested in the August 29, 2007, letter of Renee DuBord Brown to Thomas F. Fleming. Paper copies will be sent to those indicated as non registered participants on September 4, 2007.

/s/ Nicole A. Rizzo

Nicole A. Rizzo