

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

**AMGEN’S MOTION FOR LEAVE TO FILE A SUR-REPLY TO DEFENDANTS’
REPLY IN SUPPORT OF ITS MOTION *IN LIMINE* TO PRECLUDE PLAINTIFF
FROM OFFERING INTO EVIDENCE OR REFERENCING TO THE JURY
THE JUNE 2001 SETTLEMENT AGREEMENT**

Amgen moves pursuant to L.R. 7.1, for leave of court to file a brief memorandum, attached as Exhibit A, in support of its Opposition to Roche’s Motion In Limine To Preclude Plaintiff From Offering Into Evidence Or Referencing To The Jury the June 2001 Settlement Agreement . As grounds for this motion, Amgen states that its sur-reply will clarify issues raised in Roche’s reply and Amgen believes it will be of assistance to the Court in ruling on the Motion.

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/ Michael R. Gottfried
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.
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
McDERMOTT WILL & EMERY
3150 Porter Drive
Palo Alto, CA 94304
Telephone: (650) 813-5000
Facsimile: (650) 813-5100

Kevin M. Flowers
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

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.

/s/ Michael R. Gottfried

Michael R. Gottfried

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 and paper copies will be sent to those indicated as non-registered participants on September 3, 2007.

/s/ Michael R. Gottfried

Michael R. Gottfried