

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

PLAINTIFF AMGEN INC.'S MOTION FOR LEAVE TO FILE A SURREPLY TO
ROCHE'S MOTION IN LIMINE TO PRECLUDE AMGEN INC. FROM ASSERTING
THAT THE GENERATION OF TRYPTIC FRAGMENTS AND DETERMINATION OF
THE AMINO ACID SEQUENCE OF EPO WAS NOVEL AND NON-OBVIOUS

Plaintiff Amgen Inc. respectfully moves for leave to surreply to Defendants' Motion In
Limine To Preclude Amgen Inc. From Asserting That the Generation of Tryptic Fragments and
Determination of the Amino Acid Sequence of EPO Was Novel and Non-Obvious. Amgen's
proposed surreply is attached hereto as Exhibit A.

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

Dated: September 3, 2007

Respectfully Submitted,

AMGEN INC.,  
By its attorneys,

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**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