

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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

**PLAINTIFF AMGEN INC.'S MOTION FOR LEAVE TO REPLY IN FURTHER  
SUPPORT OF ITS MOTION *IN LIMINE* NO. 1:  
TO EXCLUDE ROCHE FROM REFERRING TO ITS OWN PATENT ON PEGYLATED  
ERYTHROPOIETIN**

Plaintiff Amgen Inc. respectfully moves for leave to reply to Defendants' opposition to Plaintiff's Motion in Limine No. 1 To Exclude Roche From Referring To Its Own Patent On Pegylated Erythropoietin. Amgen Inc.'s proposed reply is attached hereto as Exhibit A.

In support of this motion, Amgen states that its proposed reply brief is limited to the issues raised in Roche's opposition, 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