

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	CIVIL ACTION No.: 05-cv-12237 (WGY)
vs.)	
)	
F. HOFFMANN-LA ROCHE LTD, ROCHE)	
DIAGNOSTICS GmbH, AND HOFFMANN-LA)	
ROCHE INC.,)	
)	
Defendants.)	

STIPULATION AND [PROPOSED] ORDER

Plaintiff Amgen Inc. (“Amgen”) and Defendants Hoffmann-La Roche Ltd, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively “Roche”), by and through their undersigned counsel, hereby jointly stipulate to entry of final judgment and a permanent injunction against Roche based on the following stipulation:

1. The following claims of the Amgen EPO Patents are valid, enforceable and are infringed by the manufacture, importation, use, offer to sell or sale of Roche’s Peg-EPO product in the United States:

- (i) U.S. Patent No. 5,756,349 claim 7,
- (ii) U.S. Patent No. 5,547,933 claims 3, 7-8,
- (iii) U.S. Patent No. 5,955,422 claim 1,
- (iv) U.S. Patent No. 5,441,868 claims 1 and 2, and
- (v) U.S. Patent No. 5,618,698 claims 6-9.

2. Roche withdraws and agrees to a dismissal with prejudice of its claims, defenses and counterclaims raised in this matter.

3. Amgen and Roche jointly stipulate to entry of judgment and a permanent injunction, as set forth in the proposed order below.

SO STIPULATED.

December 21, 2009

Respectfully submitted,

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Attorneys for Plaintiff
AMGEN INC.

IT IS HEREBY ORDERED THAT:

A. Except as allowed under any license agreement reached between the parties, Roche, its agents, servants, employees, counsel, and all persons and entities acting in concert therewith, are hereby permanently enjoined for the life of U.S. Patent No. 5,441,868, U.S. Patent No. 5,547,933, U.S. Patent No. 5,618,698, U.S. Patent No. 5,955,422 and U.S. Patent No. 5,756,349 from infringing said patents by the manufacture, importation, sale, offer for sale or non-exempt use of pegylated Epoetin beta (otherwise referred to as "MIRCERA" or "CERA") in the United States.

B. Each party to bear its own costs and attorneys' fees.

SO ORDERED on this ____ day of _____, 2009

The Honorable William G. Young
United States District Court
District of Massachusetts