

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 15-cv-02035-RPM

REGENTS OF THE UNIVERSITY OF COLORADO,

Plaintiff,

v.

AMGEN INC.,

Defendant.

ORDER DENYING MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

The defendant moved for judgment dismissing Count Two of the First Amended Complaint on the contention that this claim for unjust enrichment is precluded by the express contract between the parties. As the plaintiff has made clear in response to that motion, the unjust enrichment claim is in the alternative to the contract claim and is applicable only if the disputed payment is not royalty income under the contract.

Accordingly, it is

ORDERED that the defendant's motion for partial judgment on the pleadings is denied.

DATED: April 14th, 2016

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge