



concerning a matter within the scope of the agency or employment made during the existence of the relationship.” Admissions by a party opponent are excluded from the category of hearsay. *See* Fed. R. Evid. 801(d)(2). Parties are not prejudiced by the admission into evidence of their own statements since the parties may take the stand and contradict the statement if they so choose. *See Globe Sav. Bank, F.S.B. v. United States*, 61 Fed. Cl. 91, 94-95 (2004), judgment entered 65 Fed. Cl. 330 (2005), *aff’d in part, rev’d in part on other grounds*, 189 Fed. Appx. 964 (Fed. Cir. 2006). These documents are relevant because they each constitute evidence of infringement by Roche.

For the reasons set forth above, Amgen moves to have the documents set forth in the attached chart moved into evidence in this case.

Dated: October 2, 2007

Respectfully Submitted,

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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 October 2, 2007.

/s/ Michael R. Gottfried  
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