

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,

Plaintiff,

v.

F. HOFFMANN-LA ROCHE, LTD, ROCHE
DIAGNOSTICS GMBH, and HOFFMANN-LA
ROCHE INC.,

Defendants.

Civil Action No. 05-12237 WGY

U.S. District Judge Young

**ROCHE'S MOTION *IN LIMINE* TO PRECLUDE TESTIMONY BY
DR. LODISH ON AMGEN'S VALIDITY CASE ON MATTERS THAT ARE OF NO
RELEVANCE TO THIS CASE**

The Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche, Inc. (collectively "Roche") respectfully request that Dr. Lodish be precluded from proffering testimony and evidence regarding the following matters which either never were or are no longer relevant to this case:

- (i) prior Amgen legal proceedings;
- (ii) the relative quality of Dr. Lin's patent specifications;
- (iii) Dr. Lodish's failures in cloning other (non-EPO) proteins;
- (iv) statements made by Genentech in the file histories of Genentech's tPA patents¹; and
- (v) issues not being tried in this litigation.

In support of this motion, Roche submits the accompanying memorandum of law and declaration of Julia Huston.

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 that no agreement could be reached.

Dated: October 2, 2007
Boston, Massachusetts

F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE INC.

By its attorneys,

/s/ Julia Huston

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¹ Dr. Lodish's report on this subject matter was also untimely and should be precluded on that independent basis as well.

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 (NEF). Pursuant to agreement of counsel dated September 9, 2007, paper copies will not be sent to those indicated as non registered participants.

/s/ Julia Huston
Julia Huston

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