

**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 INFRINGEMENT
TESTIMONY BY DR. LODISH WHICH IS IRRELEVANT
AND BEYOND HIS EXPERTISE**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche, Inc. (collectively "Roche") respectfully request that Amgen's expert witness, Dr. Lodish, should be precluded from offering infringement testimony regarding

- Roche's corporate relationships
- Amgen's evidence of infringement by Roche
- products and methods that Roche decided not to use or sell in the U.S.
- supposed inducement of infringement by Roche.

Any such testimony on these issues is not grounded on scientific expertise, is irrelevant, is predicated on pure speculation and subjective belief, and/or goes far beyond Dr. Lodish's expertise in molecular and cell biology. In support of this motion, Roche submits the accompanying memorandum of law and Declaration of Patricia A. Carson.

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 4, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys,

/s/ Nicole A. Rizzo

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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/ Nicole A. Rizzo
Nicole A. Rizzo

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