

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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AMGEN, INC.)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 05-12237-WGY
F. HOFFMAN-LA ROCHE LTD., a Swiss)	
Company, ROCHE DIAGNOSTICS GmbH, a)	
German Company, and HOFFMAN-LA ROCHE)	
INC., a New Jersey Corporation)	
)	
Defendants.)	
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**AMGEN’S MOTION TO EXCLUDE THE
EXPERT TESTIMONY OF LAUREN J. STIROH**

Pursuant to Federal Rule of Evidence 702, Plaintiff Amgen, Inc. (“Amgen”) hereby moves this Court for an order excluding the expert testimony of Lauren J. Stiroh, the proposed antitrust damages expert of Defendants F. Hoffman-La Roche Ltd., Roche Diagnostics GmbH, and Hoffman-La Roche Inc. (collectively “Roche”).

The grounds for this motion are set forth in the accompanying (1) Memorandum of Law In Support of Amgen’s Motion to Exclude the Expert Testimony of Lauren J. Stiroh; and (2) Declaration of Dana M. McSherry in Support of Amgen’s Motion to Exclude the Expert Testimony of Lauren J. Stiroh. In the accompanying Memorandum of Law, Amgen addresses (a) Dr. Stiroh’s contrived testimony in support of lost profits in the face of Roche’s failure to obtain FDA approval on May 18, 2007; (b) Dr. Stiroh’s failure to analyze the possibility of alternative causation for the damages she asserts; and (c) Dr. Stiroh’s failure to perform any economic analysis to derive at least some of her damages figures.

REQUEST FOR ORAL ARGUMENT

Amgen respectfully requests oral argument on the present motion.

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 that are the subject of this motion and that no agreement could be reached.

Dated: June 28, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

Of Counsel:

Stuart L. Watt
Wendy A. Whiteford
Monique L. Cordray
Darrell G. Dotson
Kimberlin L. Morley
Erica S. Olson
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789
(805) 447-5000

/s/ Michael R. Gottfried
D. Dennis Allegretti (BBO#545511)
Michael R. Gottfried (BBO# 542156)
Patricia R. Rich (BBO# 640578)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: (857) 488-4204
Facsimile: (857) 488-4201

Michael Kendall (BBO#544866)
McDERMOTT WILL & EMERY
28 State Street
Boston, MA 02109
Telephone: (617) 535-4000
Facsimile: (617) 535-3800

Jon B. Dubrow (pro hac vice)
McDERMOTT WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005
Telephone: (202) 756-8000
Facsimile: (202) 756-8087

Lloyd R. Day, Jr. (pro hac vice)
DAY CASEBEER, MADRID &
BATCHELDER LLP
20300 Stevens Creek Boulevard, Suite 400
Cupertino, CA 95014
Telephone: (408) 873-0110
Facsimile: (408) 873-0220

Kevin M. Flowers (pro hac vice)
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

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.

/s/ Michael R. Gottfried _____

Michael R. Gottfried