

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05 CV 12237 WGY
)	
F. HOFFMANN-LAROCHE LTD.,)	
a Swiss Company, ROCHE)	
DIAGNOSTICS GMBH, a German)	
Company, and HOFFMANN LAROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	

**PLAINTIFF AMGEN’S MOTION *IN LIMINE* NO. 2:
EXCLUDE REFERENCE TO ALLEGATIONS AGAINST AMGEN'S WITNESS
MADE IN UNRELATED SECURITIES LITIGATIONS**

Pursuant to FRE 402, 403, and 608(b), Plaintiff Amgen Inc. ("Amgen") requests that this Court preclude Defendants F. Hoffmann-La Roche Ltd., Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively "Roche") from referring to any of several recent securities litigations filed against Amgen and also naming its senior executives, including its Executive Vice President Mr. Dennis Fenton, as a basis for impeaching or discrediting his testimony.

The securities litigations are irrelevant to this patent infringement case. Because there have been no judgments in these securities litigations, they involve only allegations against Amgen or Mr. Fenton. Mere allegations are not admissible to discredit a witness. To allow the jury to hear evidence of these allegations against Amgen and Mr. Fenton would be unfairly prejudicial to Amgen because the jury may not understand that mere allegations are not probative of anything. The Court should therefore exclude this

evidence under FRE 402, 403, and 608(b) because it is irrelevant, inadmissible character evidence, and because any probative value the evidence may have is outweighed by its likelihood to confuse or mislead the jury and unfairly prejudice Amgen.

Amgen requests that this Court preclude Roche from referring to any of the several securities litigations filed against Amgen as irrelevant under FRE 402, substantially confusing and prejudicial under FRE 403, and inadmissible character evidence under FRE 608(b).

In support of this motion, Amgen submits a brief.

Date: August 17, 2007

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Respectfully Submitted,

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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 Electronic Case Filing (ECF) system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, on the above date.

/s/ Michael R. Gottfried
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