

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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AMGEN INC.,)
)
Plaintiff,)
)
v.)
) CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD)
ROCHE DIAGNOSTICS GmbH)
and HOFFMANN-LA ROCHE INC.)
)
Defendants.)
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DEFENDANTS’ MOTION *IN LIMINE* TO PRECLUDE AMGEN FROM ARGUING THAT THE MANUFACTURE OF CERA OR MIRCERA® OUTSIDE OF THE UNITED STATES IS IN ANY WAY IMPROPER AND FROM RELYING UPON ROCHE’S STATUS AS A FOREIGN COMPANY

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc. (collectively “Roche”) respectfully submit this motion *in limine* to preclude Amgen from arguing that it is in any way improper for Roche to manufacture its accused product CERA or the formulated drug substance MIRCERA® outside of the United States or that the status of two of the Roche defendants as foreign companies is otherwise relevant to any issue in the case. Any such an argument would create unfair prejudice to Roche, confuse the issues in this case, mislead the jury, cause undue delay, and waste the time of all involved in this matter.

For the foregoing reasons, Roche respectfully requests that the Court preclude Amgen from arguing that the manufacture of CERA or MIRCERA® outside the United States is in any way improper and from relying upon the status of two of the Roche

Defendants as foreign companies in making its case for liability. In support of this motion, Roche submits an accompanying memorandum of law.

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: August 20, 2007
Boston, Massachusetts

Respectfully submitted,

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

By their Attorneys

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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) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Keith E. Toms

Keith E. Toms

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