

**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. 10:
EXCLUDE EVIDENCE RELATED TO ROCHE’S ANTITRUST ALLEGATIONS**

Pursuant to FRE 402 and 403, 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 and introducing any evidence or arguments that relate to Roche’s antitrust claims. On July 18, 2007, this Court bifurcated Roche’s antitrust claims from Amgen’s patent claims and specifically held that the September 4, 2007 trial would involve only patent issues. Despite this unequivocal ruling, Roche now seeks to introduce material that relates solely to its antitrust allegations.

Roche’s attempt to introduce antitrust evidence that bears no relationship to the claims of patent infringement or invalidity defenses that will be tried at the September 4, 2007 trial, should be excluded. By attempting to introduce antitrust materials and testimony as evidence in the patent case, despite the Court’s clear order about the issues to be tried in this case, Roche is simply attempting to flood the record with irrelevant and unfairly prejudicial information. Roche is trying to mislead the jury by portraying Amgen as a “bad company” and influence the jury to find in favor of Roche on the basis of Roche’s antitrust allegations.

Amgen requests that this Court exclude any evidence or arguments that relate to Roche's antitrust claims during the infringement, validity and enforceability proceedings as irrelevant under FRE 402 and substantially confusing and prejudicial under FRE 403.

In support of this motion, Amgen submits a brief with an appendix.

Dated: August 21, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

/s/ Michael R. Gottfried

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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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