

**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. 18:
PRECLUDE ROCHE FROM REFERRING TO GOVERNMENT FUNDING OF DR.
GOLDWASSER’S RESEARCH AND FROM ARGUING THAT DR. GOLDWASSER’S
RESEARCH SHOULD NOT HAVE BEEN SHARED WITH AMGEN**

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 arguing in support of its invalidity defense that Dr. Goldwasser’s collaboration with Amgen was inappropriate and involved a violation of some unknown and unstated duty to the public resulting from Dr. Goldwasser’s government funding.

Roche’s accusations against Dr. Goldwasser are irrelevant, will cause Amgen unfair prejudice, and are likely to mislead and distract the jury by converting the obviousness issue into a sideshow regarding the relationship of public research funding to the ownership of materials produced during that scientific research. Roche should be precluded from arguing in support of its invalidity defense that Dr. Goldwasser’s collaboration with Amgen was inappropriate or violated some duty to the public resulting from Dr. Goldwasser’s government support.

Amgen requests that this Court, pursuant to FRE 402 and 403, preclude Roche from presenting testimony or arguing that: (1) Dr. Goldwasser's work purifying urinary EPO was taxpayer supported through NIH funding; (2) that such public funding created a duty or otherwise obliged Dr. Goldwasser to share his supply of urinary EPO with anyone who requested it; and (3) that he violated such a duty.

In support of this motion, Amgen submits a brief.

Respectfully Submitted,

Date: August 28, 2007

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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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