

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237-WGY
F. HOFFMANN-LA ROCHE LTD)	
ROCHE DIAGNOSTICS GmbH)	
and HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ MOTION *IN LIMINE* TO PRECLUDE PLAINTIFF FROM
REFERRING TO ITS INVENTIONS AS “PIONEERING”**

Defendants F. Hoffmann-La Roche, Ltd, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively, “Roche”) submit this Motion *in Limine* to preclude Amgen from referring to its claimed inventions as “pioneering.” Amgen is likely to characterize its inventions as “pioneering” in an effort to mislead the jury into believing that Amgen’s patents deserve special consideration. Whether or not Amgen or anyone else characterizes Amgen’s patents as “pioneering” is not relevant to the issues the jury must decide in this case. Amgen’s use of the word “pioneering” is likely, however, to influence the jury inappropriately in Amgen’s favor.

Accordingly, Roche respectfully requests that Amgen be precluded from describing or referring to its inventions as “pioneering” at trial. In support of this motion, Roche relies on the 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 was reached.

Dated: August 31, 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 certify that, on the above date, 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.

/s/ Keith E. Toms

Keith E. Toms

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