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September 1, 2007

**Via Electronic Case Filing System**

The Honorable William G. Young  
District Judge for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re *Amgen, Inc. v. F. Hoffmann-La Roche et. al.* No.: 05-CV-12237WGY  
Our File 3099/501

Your Honor:

In advance of trial that begins on Tuesday, the parties have filed numerous motions *in limine* over the past several weeks that we -- as counsel for Roche -- recognize have likely inundated the Court. However, a handful of these motions are of signal relevance to patent validity -- the issue on which the parties will open. The resolution of those motions will likely impact the substance of the validity openings by both sides. These motions could also impact the testimony to be offered by the initial witnesses Roche will present at trial. Therefore, in order to assist the Court in streamlining the *in limine* motion review process, identified below in chart form are five such motions focused on validity issues that we respectfully request the Court to examine first.

In addition, in advance of the validity opening Roche would appreciate an opportunity to confer briefly with the Court about the scope of its recent rulings on Amgen's summary judgment motions in order to ensure that the openings appropriately account for those rulings. While we recognize that opinions explaining those rulings will be forthcoming, with validity openings scheduled to take place on Tuesday, we believe a short conference in advance of openings will help to ensure that the openings proceed smoothly without unnecessary interruption.

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**MOTIONS IN LIMINE PERTINENT TO VALIDITY**

	<b>PARTY</b>	<b>TITLE</b>	<b>DOCKET NO.</b>	<b>DATE FILED</b>
<b>1</b>	Roche	Roche's Motion in Limine to Preclude Amgen Inc. From Contradicting Arguments it Made in Prior Administrative and Judicial Proceedings	<b>801</b>	8/10/07
<b>2</b>	Roche	Defendants' Motion in Limine to Preclude Plaintiff Amgen Inc. From Asserting Outcomes of Prior Litigations Concerning the Validity and Infringement of Certain Claims of the Patents-in-Suit as Evidence and Attorney Argument	<b>804</b>	8/10/07
<b>3</b>	Roche	Defendants' Motion in Limine to Preclude Plaintiff From Offering into Evidence of Referencing to the Jury the June 2001 Settlement Agreement	<b>814</b>	8/14/07
<b>4</b>	Roche	Roche's Motion in Limine to Preclude Amgen From Confusing the Jury with Statements Made in Earlier Foreign Proceedings	<b>822</b>	8/16/07
<b>5</b>	Roche	Preclude Amgen from Presenting Evidence Regarding (1) A 1993 Settlement Agreement Between Amgen and Genetics Institute and (2) A 1989 Decision that Genetics Institute Used Cells that Infringed the '008 Patent	<b>837</b>	8/20/07

We will be happy to address any questions and/or concerns that the Court may have on this matter, and appreciate the Court's consideration of these requests.

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Sincerely yours,

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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/ Lee Carl Bromberg  
Lee Carl Bromberg