

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1300

AMGEN INC.,

Plaintiff-Appellee,

v.

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

Defendants-Appellants.

Lloyd R. Day Jr., Day Casebeer Madrid & Batchelder LLP, of Cupertino, California, argued for plaintiff-appellee. With him on the brief were David M. Madrid and Linda A. Sasaki-Baxley. Of counsel on the brief were Stuart L. Watt and Wendy A. Whiteford, Amgen Inc., of Thousand Oaks, California; and Cecilia H. Gonzalez and Margaret D. Macdonald, Howrey LLP, of Washington, DC.

Leora Ben-Ami, Kaye Scholer LLP, of New York, New York, argued for defendants-appellants. With her on the brief were Thomas F. Fleming, Patricia A. Carson, Christopher T. Jagoe and Howard S. Suh. Of counsel on the brief were Lee Carl Bromberg and Julia Huston, Bromberg & Sunstein LLP, of Boston, Massachusetts. Of counsel were Daniel Forchheimer, Matthew McFarlane, and Krista M. Rycroft, Kaye Scholer LLP, of New York, New York; and Timothy M. Murphy, Krista M. Rycroft, Kimberly J. Seluga, and Keith E. Toms, Bromberg & Sunstein LLP, of Boston, Massachusetts.

Donald R. Ware, Foley Hoag LLP, of Boston, Massachusetts, for amicus curiae Biotechnology Industry Organization. With him on the brief were Barbara A. Fiacco and Jeremy A. Younkin. Of counsel on the brief was Hans Sauer, Biotechnology Industry Organization, of Washington, DC.

Appealed from: United States District Court for the District of Massachusetts

Judge William G. Young

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Defendants-Appellants.

Judgment

ON APPEAL from the United States District Court for the District of Massachusetts

In CASE NO(S). 05-CV-12237.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (RADER, PLAGER, and GAJARSA, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED: October 10, 2008

/s/ Jan Horbaly
Jan Horbaly, Clerk