

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AMGEN, INC.,

Plaintiff,

v.

F. HOFFMANN-LA ROCHE Ltd, a Swiss  
Company, ROCHE DIAGNOSTICS GmbH, a  
German Company and HOFFMANN-LA ROCHE  
INC., a New Jersey Corporation,

Defendants.

Civil Action No. 05-12237 WGY

U.S. District Judge Young

**DECLARATION OF KRISTA M. RYCROFT IN SUPPORT OF ROCHE'S  
MOTION *IN LIMINE* TO BIND AMGEN INC. TO  
PRIOR ADMISSIONS RELEVANT TO DOUBLE PATENTING**

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Dated: Boston, Massachusetts  
September 10, 2007

*Counsel for Defendants  
F. Hoffmann-La Roche Ltd,  
Roche Diagnostics GmbH, and  
Hoffmann-La Roche Inc.*

I, KRISTA M. RYCROFT, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and am an associate in the law firm of Kaye Scholer LLP, counsel for Defendants in the above captioned case.

2. I make this declaration in support of Roche's Motion *in Limine* to Bind Amgen, Inc. to Prior Admissions Relevant to Double Patenting.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Brief for the Senior Party Lin, filed in Interference No. 102,097 on July 29, 1991 (Trial Exhibit SS).

DATED: September 10, 2007  
Boston, Massachusetts

/s/ Krista M. Rycroft  
Krista M. Rycroft

**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). Pursuant to agreement of counsel dated September 9, 2007, paper copies will not be sent to those indicated as non registered participants.

/s/ Keith E. Toms  
Keith E. Toms

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