

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN, INC.
Plaintiff,
v.
F. HOFFMAN-LA ROCHE LTD., a Swiss
Company, ROCHE DIAGNOSTICS GmbH, a
German Company, and HOFFMAN-LA ROCHE
INC., a New Jersey Corporation
Defendants.
C.A. No. 05-12237-WGY

DECLARATION OF DANIEL A. CURTO IN SUPPORT OF
AMGEN INC.'S MOTION TO STRIKE EVIDENCE REGARDING ROCHE'S
ALLEGATION THAT CLAIM 7 OF THE '349 PATENT IS NOT
ENABLED BECAUSE ROCHE DID NOT PREVIOUSLY IDENTIFY
SUCH DEFENSE IN INTERROGATORY RESPONSES

I, Daniel A. Curto, hereby declare under penalty of perjury that I am an attorney admitted
to practice in the Commonwealth of Massachusetts, and am a partner at the law firm of
McDermott Will & Emery LLP, counsel for Plaintiff Amgen, Inc. in the above-captioned case.
I submit this affidavit to accompany Amgen Inc.'s Motion To Strike Evidence Regarding
Roche's Allegation That Claim 7 Of The '349 Patent Is Not Enabled Because Roche Did Not
Previously Identify_Such Defense In Interrogatory Responses.

1. Exhibit A hereto contains true and correct excerpts from Defendants' Responses
to Amgen's Interrogatories to Defendants.

Dated October 2, 2007

/s/ Daniel A. Curto
Daniel A. Curto

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 and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael R. Gottfried _____

Michael R. Gottfried