

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 IN LIMINE TO PRECLUDE ROCHE FROM
CLAIMING DURING THE INFRINGEMENT CASE THAT
(1) MIRCERA® DOES NOT COMPRISE HUMAN EPO, IN CONTRADICTION OF
THIS COURT'S FINDING OF INFRINGEMENT ON CLAIM 1 OF THE
'422 PATENT AND (2) THAT EUROPEAN REGULATORY APPROVAL HAS ANY
RELEVANCE TO THE CLAIMS IN THIS LAWSUIT.

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 In Limine To Preclude Roche From
Claiming During The Infringement Case That (1) Mircera® Does Not Comprise Human Epo, In
Contradiction Of This Court's Finding Of Infringement On Claim 1 Of The '422 Patent And (2)
That European Regulatory Approval Has Any Relevance To The Claims In This Lawsuit..

1. Exhibit A hereto contains true and correct excerpts from Roche's Responses and
Objections to Amgen's First Set of Requests for Production of Documents and Things (Nos. 1 to
224).

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