

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'S BENCH MEMORANDUM THAT IT IS APPROPRIATE FOR DR. LODISH
TO USE COMPUTER-MODELED DEMONSTRATIVES THAT WILL ASSIST THE
JURY IN UNDERSTANDING HIS INFRINGEMENT TESTIMONY

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's Bench Memorandum That It Is Appropriate For
Dr. Lodish To Use Computer-Modeled Demonstratives That Will Assist The Jury In
Understanding His Infringement Testimony.

1. Exhibit A hereto contains true and correct excerpts from the Expert Report of
Harvery F. Lodish, Ph.D. Regarding Infringement, dated April 6, 2007.

2. Exhibit B hereto contains a true and correct copy of a letter from Rob Galvin to
Thomas Fleming, dated April 20, 2007.

Dated October 3, 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