

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, )  
 ROCHE DIAGNOSTICS GmbH )  
 and HOFFMANN-LA ROCHE INC. )  
 )  
 Defendants. )

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CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF PATRICIA A. CARSON IN SUPPORT OF ROCHE’S MOTION *IN LIMINE* TO PRECLUDE AMGEN FROM OFFERING ARGUMENTS AND EXPERT TESTIMONY ON OBVIOUSNESS-TYPE DOUBLE PATENTING THAT IT FAILED TO DISCLOSE IN ITS INTERROGATORY RESPONSES AND EXPERT REPORTS**

I, PATRICIA A. CARSON, 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 Preclude Amgen From Offering Arguments and Expert Testimony On Obviousness-Type Double Patenting That It Failed To Disclose In Its Interrogatory Responses And Expert Reports.

3. Attached hereto as Exhibit 1 is a true and correct copy of portions of the May 11, 2007 Rebuttal Expert Report of Dr. Lodish.

4. Attached hereto as Exhibit 2 is a true and correct copy of “Exhibit G” to the May 11, 2007 Rebuttal Expert Report of Dr. Lodish.

DATED:       October 3, 2007  
              Boston, Massachusetts

/s/ Patricia A. Carson  
Patricia A. Carson

**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/ Nicole A. Rizzo

Nicole A. Rizzo

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