

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,
Plaintiff,
v.
F. HOFFMANN-LA ROCHE LTD;
ROCHE DIAGNOSTICS GmbH; and
HOFFMANN-LA ROCHE INC.,
Defendants.
CIVIL ACTION No.: 05-CV-12237WGY

DECLARATION OF KRISTA M. RYCROFT IN SUPPORT ROCHE'S
OPPOSITION TO AMGEN INC.'S MOTION TO CORRECT THE FILE HISTORY
OF THE '868 PATENT BY ADDING A DOCUMENT THAT WAS MISSING (D.N. 1311)

I, Krista M. Rycroft, based on my own personal knowledge do 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 Opposition to Amgen Inc.'s Motion
to Correct the File History of the '868 Patent By Adding a Document That Was Missing (D.N.
1311).

3. Exhibit 1 is a true and correct copy of M.P.E.P. §503 (5th ed., Aug. 1983) pages
500-3 through 500-4.

4. Exhibit 2 is a true and correct copy of M.P.E.P. §503 (8th ed. Rev. 6, Aug. 2006)
pages 500-21 through 500-24.

5. I have caused an electronic search to be conducted of the database of documents produced by Amgen in this litigation and have found the following file histories relating to the '868 patent:

(a) Certified PTO file histories: AM-ITC 000001-000851 and AM-ITC 00952892-00954047; and

(b) Exhibit 2002, a PTO file history admitted into evidence in the *Amgen v. TKT* litigation: AM-ITC 00870222-00870758 (and submitted in the Appendix to the Federal Circuit as A3746-A4280) and AM-ITC 00984712-00985248.

To the best of my knowledge none of these file histories contains the document submitted by Amgen to the Court as TRX 2012A.

Dated: October 11, 2007

Respectfully submitted,

/s/ 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/ Emily J. Schaffer
Emily J. Schaffer