

Date of Request: 20.1.2006

Reference number of the requesting authority:

(Name and address of the requesting authority)

(Name and address of the receiving agency)

<p>Linda A. Sasaki-Baxley Day Casebeer Madrid & Batchelder, LLP 20300 Stevens Creek Blvd., Suite 400 Cupertino, CA 95014</p> <p>USA</p>	<p>Amtsgericht Mannheim Rechtsantragstelle Schloss, Westflügel</p> <p>68149 Mannheim</p> <p>Tel.: 0621/292-2327 Fax: 0621/292-2876</p>
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Reference number of the receiving agency: E 934/39/06 AR 15/06

CERTIFICATE OF SERVICE OR NON-SERVICE OF DOCUMENTS
(Article 10 of Council Regulation (EC) No 1348/2000)

The service shall be effected as soon as possible. In any event, if it has not been possible to effect service within one month of receipt, the receiving agency shall inform the transmitting agency (according to Article 7 (2) of the Regulation)

12. COMPLETION OF SERVICE

a) 12.1. Date and address of service: **22.3.2006, D-68305 Mannheim**

b) 12.2. The document was

A) 12.2.1. served in accordance with the law of the Member State addressed, namely

12.2.1.1. handed to

12.2.1.1.1. the addressee in person

12.2.1.1.2. another person

12.2.1.1.2.1. Name: **Dr. Michael Jung + Martin Meisiek**

12.2.1.1.2.2. Address:

12.2.1.1.2.2.1. Street and number/PO box: **Sandhofer Str. 116**

12.2.1.1.2.2.2. Place and code: **68305 Mannheim**

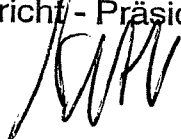
12.2.1.1.2.2.3. Country:

12.2.1.1.2.3. Relation to the addressee:

family employee others

12.2.1.1.3. the addressee's address

Gesehen und weitergeleitet
Mannheim, den 23. März 2006
Amtsgericht - Präsident -



12.2.1.2. served by post

12.2.1.2.1. without acknowledgement of receipt

12.2.1.2.2. with the enclosed acknowledgement of receipt

12.2.1.2.2.1. from the addressee

12.2.1.2.2.2. another person

12.2.1.2.2.2.1. Name:

12.2.1.2.2.2.2. Address:

12.2.1.2.2.2.2.1. Street and number/PO box:

12.2.1.2.2.2.2.2. Place and code:

12.2.1.2.2.2.2.3. Country:

12.2.1.2.2.3. Relation to the addressee:

family employee others

12.2.1.3. other method (please say how):

B) 12.2.2. served by the following particular method (please say how):

c) 12.3. The addressee of the document was informed - orally - in writing – that he or she may refuse to accept it if it was not in an official language of the place of service or in an official language of the state of transmission which he or she understands.

13. INFORMATION IN ACCORDANCE WITH ARTICLE 7(2)

It was not possible to effect service within one month of receipt.

14. REFUSAL OF DOCUMENT

The addressee refused to accept the document on account of the language used. The documents are annexed to this certificate.

15. REASON FOR NON-SERVICE OF DOCUMENT

15.1. Address unknown

15.2. Addressee cannot be located

15.3. Document could not be served before the date or time limit stated in point 6.2.

15.4. Others (please specify):

The documents are annexed to this certificate.

Done at Mannheim

Date: 22.3.2006

Herold
Herold, Rechtspflegerin



Empfangsbekanntnis

Auf Ersuchen des Bezirksgerichts der Vereinigten Staaten (United States District Court)
Bezirk Massachusetts

vom 08.Nov. 2005

Aktenzeichen: 05 CV 12237 WGY

ist- sind- mir heute zugestellt worden:

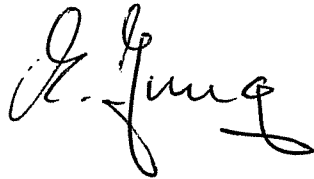
Feststellungsklage wegen Verletzung der US-Patente

(924 Blatt – 12 Trennblätter)

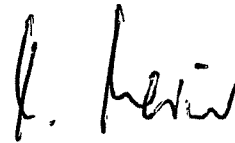
Mannheim, den 22. 3. 2006

	Roche Diagnostics GmbH Patentabteilung				WS
GF	22. März 2006				SZ
HMU					SI
HS					SCH
IR					RA
JF	JG	KAB	KN	KÖE	POR

Dr. Michael Jung
(Vor-und Zuname)



Martin Meisick



SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)

(article 5, alinéa 4)

Name and address of the requesting authority:

Nom et adresse de l'autorité requérante: Linda A. Sasaki-Baxley, Day Casebeer Madrid & Batchelder, LLP
20300 Stevens Creek Boulevard, Suite 400, Cupertino, CA 95014, U.S.A.
United States District Court in the District of Massachusetts

Particulars of the parties*:

Identité des parties: AMGEN INC., Plaintiff
ROCHE DIAGNOSTICS GmbH, Defendant
Sandhofer Strasse 116, D-68305, Mannheim, Germany
Additional defendant: F. HOFFMANN-LAROCHE LTD.
HOFFMANN LAROCHE INC.

JUDICIAL DOCUMENT**

ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte: To give notice to the defendant of the civil action for declaratory judgment of infringement of U.S. patents.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige: Civil action for declaratory judgment of infringement of U.S. Patent Nos. 5,441,868, 5,547,933, 5,618,698, 5,621,080, 5,756,349 and 5,955,422.

Date and place for entering appearance**:

Date et lieu de la comparution: United States District Court in the District of Massachusetts per applicable rules.

Court which has given judgment**:

Jurisdiction qui a rendu la décision: _____

Date of judgment**:

Date de la décision: _____

Time limits stated in the document**:

Indication des délais figurant dans l'acte: _____

EXTRAJUDICIAL DOCUMENT**

ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte: _____

Time limits stated in the document**:

Indication des délais figurant dans l'acte: _____

* If appropriate, identity and address of the person interested in the transmission of the document.
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

** Delete if inappropriate.
Barrer les mentions inutiles.

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *

1. que la demande a été exécutée

—the (date)

—*le (date)* _____

—at (place, street, number)

—*à (localité, rue numéro)* _____

—in one of the following methods authorised by article 5—

—*dans une des formes suivantes prévues à l'article 5:*

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) in accordance with the following particular method*:

b) selon la forme particulière suivante : _____

(c) by delivery to the addressee, who accepted it voluntarily.*

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

—(identity and description of person)

—*(identité et qualité de la personne)* _____

—relationship to the addressee (family, business or other):

—*liens de parenté, de subordination ou autres, avec le destinataire de l'acte:* _____

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants :

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes

Annexes

Documents returned:

Pièces renvoyées:

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

Done at _____, the
Fait à _____, le _____

Signature and/or stamp.
Signature et/ou cachet.

*Delete if inappropriate.
Rayer les mentions inutiles

REQUEST

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE

AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identity and address of the applicant
Linda A. Sasaki-Baxley
Day Casebeer Madrid & Batchelder, LLP
20300 Stevens Creek Blvd., Suite 400
Cupertino, CA 95014

Address of receiving authority
Justizministerium Baden-Wuerttemberg
Schillerplatz 4
70173 Stuttgart
Federal Republic of Germany

The undersigned applicant has the honour to transmit—in duplicate—the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)

Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—a l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir: (identité et adresse) ROCHE DIAGNOSTICS GmbH Sandhofer Strasse 116, D-68305, Mannheim, Germany

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*: PERSONAL SERVICE
(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate as provided on the reverse side. AUTHORIZED APPLICANT PURSUANT TO RULE 4 Section(c) and Section (f), FEDERAL RULES OF CIVIL PROCEDURE

- List of documents
Executed REQUEST, in duplicate
Executed SUMMARY, in duplicate
Unexecuted CERTIFICATE in duplicate
SUMMONS, in duplicate
SUMMONS, (German Translation), in duplicate
COMPLAINT, in duplicate
COMPLAINT, (German Translation), in duplicate

Done at Cupertino, CA, U.S.A., the 01-20-06

Signature and/or stamp. Signature et/ou cachet.

(Formerly OBD-116 which was formerly LAA-116 both of which may still be used) USM-94 (Est. 11/22/77)

*Delete if inappropriate. Rayer les mentions inutiles.

UNITED STATES DISTRICT COURT

District of _____

AMGEN INC.

SUMMONS IN A CIVIL CASE

V.

F. HOFFMAN-LAROCHE LTD., et al.

CASE NUMBER:

05 cv 12237 WGY

TO: (Name and address of Defendant)

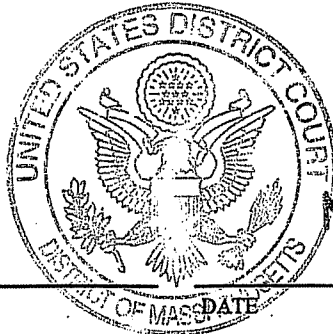
ROCHE DIAGNOSTICS GmbH
WERK PENZBERG
NONNENWALD 2
82377 PENZBERG, GERMANY

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

D. DENNIS ALLEGRETTI
DUANE MORRIS LLP
470 ATLANTIC AVENUE, SUITE 500
BOSTON, MA 02210

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON



NOV - 8 2005

CLERK

S. Thornton

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- Served personally upon the third-party defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____
 _____ Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

BEZIRKSGERICHT DER VEREINIGTEN STAATEN [UNITED STATES
DISTRICT COURT]

Bezirk des Bundesstaates

AMGEN INC.

LADUNG IN EINER ZIVILSACHE

gg.

F. HOFFMAN-LAROCHE LTD., u. a.

AKTENZEICHEN:

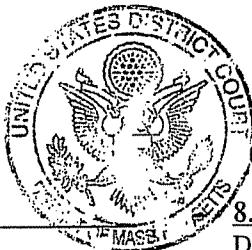
05 c. 12237 WGY

AN: (Name und Adresse der Beklagten)
ROCHE DIAGNOSTICS GmbH
WERK PENZBERG
NONNENWALD 2
82377 PENZBERG, DEUTSCHLAND

SIE WERDEN HIERMIT VORGELADEN und aufgefordert, dem ANWALT DER KLÄGERIN (Name und Adresse)

D. DENNIS ALLEGRETTI
DUANE MORRIS LLP
470 ATLANTIC AVENUE, SUITE 500
BOSTON, MA 02210

innerhalb von _____ Tagen nach Zustellung dieser Ladung an Sie, ausschließlich des
Zustellungstages, eine Antwort auf die Klageschrift zuzustellen, die Ihnen hiermit zugestellt wird. Sollten Sie dies
unterlassen, ergeht gegen Sie ein Versäumnisurteil, in dem die in der Klageschrift geforderten Rechtsbehelfe
gewährt werden. Auch müssen Sie Ihre Antwort innerhalb eines angemessenen Zeitraums nach Zustellung beim
Geschäftsstellenleiters dieses Gerichts einreichen.



SARAH A. THORNTON
GESCHÄFTSSTELLENLEITERIN

8. NOV. 2005
DATUM

[Unterschrift]
(Gez.) STELLV. GESCHÄFTSSTELLENLEITER

ZUSTELLUNG		
Zustellung der Ladung und Klageschrift erfolgte durch mich ⁽¹⁾	DATUM	
NAME DES ZUSTELLUNGSBEAMTEN (IN DRUCKSCHRIFT)	TITEL	
<i>Zur Angabe der zutreffenden Zustellungsmethode eines der nachstehenden Kästchen ankreuzen</i>		
<input type="checkbox"/> Dem Drittpartei-Beklagten persönlich zugestellt. Ort der Zustellung: _____ _____		
<input type="checkbox"/> Kopien der Unterlagen im Wohnhaus oder am gewöhnlichen Aufenthaltsort des Beklagten bei einer mündigen Person geeigneten Alters, die zu dem Zeitpunkt dort wohnte, hinterlassen. Name der Person, bei der die Ladung und Klageschrift hinterlassen wurden: _____ _____		
<input type="checkbox"/> Unzustellbar zurückgegeben: _____ _____ _____		
<input type="checkbox"/> Sonstige (bitte angeben): _____ _____ _____		
ABRECHNUNG DER ZUSTELLUNGSGEBÜHR		
REISE	ZUSTELLUNG	INSGESAMT
ERKLÄRUNG DES ZUSTELLUNGSBEAMTEN		
Ich erkläre unter Strafandrohung wegen Meineides gemäß den Gesetzen der Vereinigten Staaten von Amerika, dass die unter „Zustellung“ und „Abrechnung der Zustellungsgebühr“ enthaltenen obigen Informationen der Wahrheit entsprechen und korrekt sind.		
Unterzeichnet am _____ <div style="text-align: center;">Datum</div>	_____ <div style="text-align: center;"><i>Unterschrift des Zustellungsbeamten</i></div> _____ <div style="text-align: center;"><i>Adresse des Zustellungsbeamten</i></div>	

(1) Siehe Vorschrift 4 der Zivilprozessordnung hinsichtlich der Bestimmungen, wer eine Ladung zustellen darf.