

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF KIMBERLY J. SELUGA IN SUPPORT OF DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF THE ‘080
PATENT**

I, Kimberly J. Seluga, declare under penalty of perjury that:

1. I am an attorney at the law firm of Bromberg & Sunstein LLP and am admitted to the Bar of the Commonwealth of Massachusetts. I am counsel for Defendants in the above-referenced case.
2. I make this declaration in support of the Defendants’ Motion for Summary Judgment of Noninfringement of the ‘080 Patent, dated May 21, 2007.
3. Attached hereto as Exhibit 1 is a true and correct excerpt of Plaintiff’s Supplemental Responses to Defendants’ First Set of Interrogatories (Nos. 1-12) No. 1, at p. 3, dated February 9, 2007.
4. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,621,080.

5. Attached hereto as Exhibit 3 is a true and correct excerpt of the Expert Report of Harvey F. Lodish, Ph.D. Regarding Infringement ¶ 117, dated April 6, 2007.

6. Attached hereto as Exhibit 4 is a true and correct excerpt of Plaintiff's Supplemental Responses to Defendants' First Set of Interrogatories (Nos. 1-12), Ex. A at 46, dated February 9, 2007.

Executed this 21st day of May 2007 at Boston, Massachusetts.

/s/ Kimberly J. Seluga
Kimberly J. Seluga

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) and, due to the federal holiday, paper copies will be sent to those indicated as non-registered participants on the above-referenced date.

/s/ Julia Huston
Julia Huston

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