

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 05-12237 WGY
)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN-LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	
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**DECLARATION OF MARIO MOORE IN SUPPORT OF PLAINTIFF AMGEN INC.’S
MOTION TO STRIKE ROCHE’S NON-INFRINGEMENT, INVALIDITY, AND
INEQUITABLE CONDUCT ALLEGATIONS DISCLOSED AFTER THE CLOSE OF
FACT DISCOVERY OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO
SUPPLEMENT AMGEN’S EXPERT REPORTS AND MOTION FOR PROTECTIVE
ORDER TO POSTPONE DEPOSITIONS OF CERTAIN WITNESSES**

I, Mario Moore, declare as follows:

1. I am an attorney admitted to practice law before all the Courts of the State of California and before this Court (*pro hac vice*). I am an attorney of the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for Plaintiff, Amgen, Inc. in this matter.
2. I make this declaration of my own personal knowledge. If called to testify with respect to the truth of the matters stated herein, I could and would do so competently.
3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of Defendants' Privilege Log, Volume 9, page 238.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of Defendants' Privilege Log, Volume 5, pages 10, 160, and 3527.
5. Attached hereto as Exhibit 3 is a true and correct copy of Amgen's First Set of Interrogatories, dated December 11, 2006.
6. Attached hereto as Exhibit 4 is a true and correct copy of Roche's Responses to Amgen's First Set of Interrogatories, dated January 11, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.
7. Attached hereto as Exhibit 5 is a true and correct copy of Roche's First Supplemental Responses to Amgen's First Set of Interrogatories, dated February 9, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.
8. Attached hereto as Exhibit 6 is a true and correct copy of Roche's Second Supplemental Responses to Amgen's First Set of Interrogatories, dated February 26, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.
9. Attached hereto as Exhibit 7 is a true and correct copy of Roche's Third Supplemental Responses to Amgen's First Set of Interrogatories, dated April 2, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.

10. Attached hereto as Exhibit 8 is a true and correct copy of Roche's Fourth Supplemental Responses to Amgen's First Set of Interrogatories, dated April 20, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Expert Report of Dr. Richard A. Flavell, dated May 11, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.

12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Expert Report of Dr. Barbara Imperiali, dated May 11, 2007, designated by Roche as Restricted Access BLA/IND Confidential Information.

13. Attached hereto as Exhibit 11 is a true and correct copy of a Letter from Thomas F. Fleming to Krista M. Carter, dated May 23, 2007.

14. Attached hereto as Exhibit 12 is a true and correct copy of a Letter from Thomas F. Fleming to Deborah E. Fishman, dated May 4, 2007.

15. Attached hereto as Exhibit 13 is a true and correct copy of a Letter from Deborah E. Fishman to Thomas F. Fleming, dated May 3, 2007.

16. Attached hereto as Exhibit 14 is a true and correct copy of a Letter from Mario Moore to Thomas F. Fleming, dated May 10, 2007.

17. Attached hereto as Exhibit 15 is a true and correct copy of a Letter from Krista M. Carter to Thomas F. Fleming, dated May 22, 2007.

Signed this 24th day of May, 2007

/s/ Mario Moore

Mario Moore