

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

**NOTICE OF FILING WITH CLERK’S OFFICE OF
EXHIBITS TO DECLARATION OF DR. EDWARD EVERETT HARLOW, JR. IN
SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT THAT THE
CLAIMS OF PATENTS-IN-SUIT ARE INVALID FOR
DOUBLE PATENTING OVER AMGEN ‘016 PATENT**

Pursuant to CMF/ECF Administrative Procedures Rule M(6) notice is hereby given that the exhibits listed below have been manually filed with the Court and are available in paper form only. The original documents are maintained in the case file in the Clerk’s Office.

- Exhibit 1 Curriculum Vitae
- Exhibit 2 Li et al., “Biosynthesis of lipid-linked oligosaccharides,” J. BIOL. CHEM., 254: 1600-1605 (1979)
- Exhibit 3 Scahill, et al., “Expression and characterization of the product of a human immune interferon cDNA gene in Chinese hamster ovary cells,” PROC. NAT’L ACAD. SCI. 80: 4654-4658 (1983)
- Exhibit 4 Singer et al., “Characterization of a porcine genomic clone encoding a major histocompatibility antigen: Expression in mouse L cells,” PROC. NAT’L ACAD. SCI. 79:1403-1407 (1982)
- Exhibit 5 Haynes and Weissman, “Constitutive, long-term production of human interferons by hamster cells containing multiple copies of a cloned interferon gene,” NUCL. ACIDS RES., 11: 687-706 (1983)

- Exhibit 6 Sherwood and Goldwasser, "A radioimmunoassay for erythropoietin," BLOOD, 54: 885-893 (1979)
- Exhibit 7 EPO 0 093 619 (Goeddel et al, 1983); Ex. 3, Scahill et al., "Expression and characterization of the product of a human immune interferon cDNA gene in Chinese hamster ovary cells," PROC. NAT'L ACAD. SCI. 80: 4654-4658 (1983)
- Exhibit 8 EPO 0 117 059, 0 117 060 (Levinson et al, 1984)
- Exhibit 9 McCormick et al., "Inducible expression of amplified human beta interferon genes in CHO cells," MOL. & CELL. BIOL., 4: 166-172 (1984)
- Exhibit 10 Devos et al., "Purification of recombinant glycosylated human gamma interferon expressed in transformed Chinese hamster ovary cells," J. INTERFERON RES., 4: 461-468 (1984)
- Exhibit 11 U.S. Patent No. 4,766,075
- Exhibit 12 U.S. Patent No. 4,356,270
- Exhibit 13 U.S. Patent No. 4,264,731
- Exhibit 14 U.S. Patent No. 4,273,875
- Exhibit 15 U.S. Patent No. 4,293,652
- Exhibit 16 Srinivasan and Lewis, "Transfer of the Dihydrofolate Reductase Gene into Mammalian Cells Using Metaphase Chromosomes or Purified DNA," INTRODUCTION OF MACROMOLECULES INTO VIABLE MAMMALIAN CELLS, 27-45 (1980)
- Exhibit 17 Milbrandt et al., "Organization of a Chinese Hamster Ovary Dihydrofolate Reductase Gene Identified by Phenotypic Rescue," MOL. CELL BIOL. 3: 1266-1273 (1983)
- Exhibit 18 Nunberg et al., "Amplified dihydrofolate reductase genes are localized to a homogeneously staining region of a single chromosome in a methotrexate-resistant Chinese hamster ovary cell line," PROC. NAT'L ACAD. SCI., 75: 5553-5556 (1978)
- Exhibit 19 U.S. Patent No. 4399216
- Exhibit 20 Urlaub and Chasin, "Isolation of Chinese hamster cell mutants deficient in dihydrofolate reductase activity," PROC. NAT'L ACAD. SCI., 77: 4216-4220 (1980)

- Exhibit 21 Schimke et al. "Gene amplification and drug resistance in cultured murine cells," SCIENCE, 202: 1051-1055 (1978)
- Exhibit 22 Miyake, Goldwasser et al, "Purification of Human Erythropoietin," J. BIOL. CHEM., 252: 5558-5564 (1977)
- Exhibit 23 Goldwasser et al., "An assay for erythropoietin *in vitro* at the milliunit level," ENDOCRINOLOGY, 97: 315-323 (1975)
- Exhibit 24 Cotes and Bangham, "Bio-assay of erythropoietin in mice made polycythæmic by exposure to air at a reduced pressure," NATURE, 191: 1065-1067 (1961)
- Exhibit 25 Hammond et al., "Production, utilization and excretion of erythropoietin," ANN. N.Y. ACAD. SCI., 169: 516-527 (1968)
- Exhibit 26 Weiss, et al., "Characterization of a monoclonal antibody to human erythropoietin," BIOCHEMISTRY, 79: 5465-5469 (1982)
- Exhibit 27 Gray and Goeddel, "Cloning and Expression of Murine Immune Interferon cDNA," PROC. NAT'L ACAD. SCI., 80:5842-5846 (1983)
- Exhibit 28 Taniguchi et al., "Construction and Identification of a Bacterial Plasmid Containing the Human Fibroblast Interferon Gene Sequence," PROC. JAPAN ACAD., 55: 464-469 (1979)
- Exhibit 29 Oi et al., "Immunoglobulin gene expression in transformed lymphoid cells," PROC. NAT'L ACAD. SCI. 80:825-829 (1983)
- Exhibit 30 Neuberger, "Expression and regulation of immunoglobulin heavy chain gene transfected into lymphoid cells," EMBO J. 2:1373-1378 (1983)

- Exhibit 31 Sidman, "Differing requirements for glycosylation in the secretion of related glycoproteins is determined neither by the producing cell nor by the relative number of oligosaccharide units," J. BIOL. CHEM., 256: 9374-9376 (1981)
- Exhibit 32 Seidman et al., "Antibody Diversity," SCIENCE, 202: 11 (1978)
- Exhibit 33 Claim Charts

Dated: June 12, 2007
Boston, Massachusetts

Respectfully submitted,

F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE INC.

By its attorneys,

/s/ Nicole A. Rizzo
Lee Carl Bromberg (BBO# 058480)
Timothy M. Murphy (BBO# 551926)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
nrizzo@bromsun.com

Leora Ben-Ami (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
Christopher T. Jagoe (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

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 paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ Nicole A. Rizzo

Nicole A. Rizzo

03099/00501 681890.1