

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

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CIVIL ACTION No.: 05-CV-12237WGY

**NOTICE OF FILING WITH CLERK’S OFFICE OF  
EXHIBITS TO DECLARATION OF KIMBERLY J. SELUGA 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 A U.S. Patent No. 5,441,868
- Exhibit B U.S. Patent No. 5,618,698
- Exhibit C U.S. Patent No. 5,756,349
- Exhibit D U.S. Patent No. 5,955,422
- Exhibit E U.S. Patent No. 5,547,933
- Exhibit F U.S. Patent No. 4,667,016
- Exhibit G U.S. Patent No. 4,703,008
- Exhibit H *Amgen Inc. v. Chugai Pharmaceutical Co. Ltd.*, 927 F.2d 1200, 18 U.S.P.Q.2d 1016 (Fed. Cir. 1991)

- Exhibit I Brief of Senior Party Lin, Interference No. 102,097
- Exhibit J *Fritsch v. Lin*, 21 U.S.P.Q.2d 1739, 1991 WL 332571 (BPAI 1991) (Interference No. 102,097)
- Exhibit K Excerpts of the depositions of Fu-Kuen Lin in: *Fritsch v. Lin*, at pages 205-210, 216, 217, 219, and 220, dated April 9, 1991; *Amgen v. Chugai*, at pages 107 and 108, dated August 15, 1989; and *Amgen Inc. v. F. Hoffmann-La Roche Ltd.*, at pages 62-65 and 365 to 368, dated March 28-29, 2007
- Exhibit L ‘179 File History, Paper 33, 1/31/94 Amendment
- Exhibit M ‘178 File History, Paper 19, 1/11/90 Amendment
- Exhibit N Initial Expert Report of Harvey F. Lodish, Ph.D., dated August 27, 2004
- Exhibit O Manual of Patent Examining Procedure § 804 (8th ed., Rev. 5, Aug. 2006)
- Exhibit P 35 U.S.C.A. § 116 (Thomson/West 2007)
- Exhibit Q ‘179 File History, Paper 34, 2/15/94 Office Action
- Exhibit R Excerpt of the deposition testimony of Dr. Julian Davies in *In the Matter of Certain Recombinant Erythropoietin* (Investigation No. 337-TA-281), at pages 523-24, dated June 21, 1988
- Exhibit S Excerpt of the Expert Report of Professor Randolph Wall, at pages 36-37, 42, and 47, dated November 9, 2000
- Exhibit T ‘178 File History, Paper 34, 12/29/93 Office Action

Dated: June 12, 2007  
Boston, Massachusetts

Respectfully submitted,

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

*By their 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](mailto: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

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