

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

**SECOND DECLARATION OF KIMBERLY J. SELUGA IN SUPPORT OF ROCHE’S
OPPOSITION TO AMGEN INC.’S MOTION FOR SUMMARY JUDGMENT OF NO
OBVIOUSNESS-TYPE DOUBLE PATENTING**

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 Roche’s Opposition to Amgen Inc.’s Motion For Summary Judgment of No Obviousness-Type Double Patenting and Roche’s Response to Amgen Inc.’s Rule 56.1 Statement of Undisputed Material Facts Regarding No Obviousness-Type Double Patenting.

3. Attached hereto as Exhibit U is a true and correct copy of U.S. Serial No. 675,298 (“ ‘298 Application”), Paper 8, 7/3/86 Office Action.

4. Attached hereto as Exhibit V is a true and correct copy of the ‘298 Application, Paper 6, 4/23/86 Preliminary Amendment.

5. Attached hereto as Exhibit W is a true and correct excerpt from U.S. Application No. 07/113,178 (“ ‘178 Application”), including the application cover page with date and claims.

6. Attached hereto as Exhibit X is a true and correct excerpt from U.S. Application No. 07/113,179 (“ ‘179 Application”), including the application cover page with date and claims.

7. Attached hereto as Exhibit Y is a true and correct copy of U.S. Application No. 08/468,369 (“ ‘369 Application”), Paper 8, 12/20/86 Second Preliminary Amendment.

8. Attached hereto as Exhibit Z is a true and correct copy of the ‘178 Application, Paper 15, 7/11/89 Amendment.

9. Attached hereto as Exhibit AA is a true and correct copy of the ‘178 Application, Paper 11, 6/2/89 Amendment.

10. Attached hereto as Exhibit BB is a true and correct copy of the ‘178 Application, Paper 19, 1/10/90 Amendment.

11. Attached hereto as Exhibit CC is a true and correct copy of U.S. Serial No. 07/609,741 (“ ‘741 Application”), 4/6/92 Office Action.

12. Attached hereto as Exhibit DD is a true and correct copy of U.S. Serial No. 08/100,197 (“ ‘197 Application”), Paper 33, 4/28/99 Amendment.

13. Attached hereto as Exhibit EE is a true and correct copy of the ‘197 Application, Paper 35, 4/26/99 Terminal Disclaimer.

14. Attached hereto as Exhibit FF are true and correct copies of the protests filed by Por Hsiung-Lai with respect to the ‘178 and ‘179 Applications, filed on 7/23/93.

15. Attached hereto as Exhibit GG is a true and correct copy of the ‘298 Application, Paper 15, 3/11/87 Amendment

Executed this 28th day of June 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 paper copies will be sent to those indicated as non-registered participants on the June 29, 2007.

/s/ Julia Huston
Julia Huston

List of Exhibits

- Exhibit U ‘298 Application, Paper 8, 7/3/86 Office Action
- Exhibit V ‘298 Application, Paper 6, 4/23/86 Preliminary Amendment
- Exhibit W ‘178 Application cover page with date and claims
- Exhibit X ‘179 Application cover page with date and claims
- Exhibit Y ‘369 Application, Paper 8, 12/20/86 Second Preliminary Amendment
- Exhibit Z ‘178 Application, Paper 15, 7/11/89 Amendment
- Exhibit AA ‘178 Application, Paper 11, 6/2/89 Amendment
- Exhibit BB ‘178 Application, Paper 19, 1/10/90 Amendment
- Exhibit CC ‘741 Application”), 4/6/92 Office Action
- Exhibit DD ‘197 Application, Paper 33, 4/28/99 Amendment
- Exhibit EE ‘197 Application, Paper 35, 4/26/99 Terminal Disclaimer
- Exhibit FF Protests filed by Por Hsiung-Lai with respect to the ‘178 and ‘179 Applications, filed on 7/23/93
- Exhibit GG ‘298 Application, Paper 15, 3/11/87 Amendment

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