

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
F. HOFFMANN-LAROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN LAROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	

**DECLARATION OF GEOFFREY M. GODFREY IN SUPPORT OF AMGEN'S
OPPOSITION TO ROCHE'S MOTION FOR SUMMARY JUDGMENT OF
INVALIDITY FOR DOUBLE PATENTING OVER CLAIM 10 OF THE '016 PATENT**

I, Geoffrey M. Godfrey, declare as follows:

1. I am an attorney at the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for plaintiff Amgen Inc. I am admitted to practice law before this Court (*pro hac vice*) and all of the Courts of the State of California.

2. I make this declaration of my own personal knowledge. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

3. Attached hereto as Exhibit A is a true and correct copy of a document titled "Petition for Extension of Time Under 37 CFR § 1.136(a)," dated September 5, 1986, from the prosecution history of U.S. Patent Application No. 06/747,119.

4. Attached hereto as Exhibit B is a true and correct copy of the Manual of Patent Examining Procedure § 101 (5th ed., Rev. 9, Sept. 1988).

5. Attached hereto as Exhibit C is a true and correct copy of pages 97, 163-64, and

274-75 from the June 20, 2007 deposition of Edward E. Harlow, Jr., Ph.D.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signed this 29th day of June, 2007.

By: /s/ Geoffrey M. Godfrey
Geoffrey M. Godfrey

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 and paper copies will be sent to those indicated as non-registered participants.

/s/ Patricia R. Rich _____

Patricia R. Rich