

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

DECLARATION OF ADAM ARTHUR BIER IN SUPPORT
OF AMGEN INC.'S OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT THAT THE ASSERTED CLAIMS OF THE '933 PATENT
ARE INVALID FOR INDEFINITENESS AND LACK OF WRITTEN DESCRIPTION

I, Adam Arthur Bier, 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 States of California and New York.

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 1 is a true and correct copy of US Patent No.
5,362,646.

4. Attached hereto as Exhibit 2 is a true and correct copy of selected pages of the
Feb. 26, 2007 Goldwasser Deposition Transcript in Amgen, Inc. v. F. Hoffmann-LaRoche, Ltd.,
et al., CA No. 05cv12237-WGY.

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 on the above date.

/s/ Patricia R. Rich

Patricia R. Rich