

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LA ROCHE LTD,)
 ROCHE DIAGNOSTICS GMBH,)
 and HOFFMANN-LA ROCHE INC.,)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF PETER FRATANGELO, ESQ. IN SUPPORT OF ROCHE’S
MOTION FOR PARTIAL SUMMARY JUDGMENT THAT CLAIM 1 OF U.S. PATENT
NO. 5,995,422 IS INVALID FOR INDEFINITENESS AND LACK OF WRITTEN
DESCRIPTION**

I, Peter Fratangelo, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bars of the Commonwealth of Massachusetts and the State of New York and am an associate in the law firm of Kaye Scholer LLP, counsel for Defendants in the above captioned case.
2. I make this declaration in support of Roche’s Motion for Summary Judgment That Claim 1 of U.S. Patent No.5,995,422 Patent Is Invalid For Indefiniteness And Lack Of Written Description.
3. Exhibit A is a true and correct copy of U.S. Patent No. 5,955,422.
4. Exhibit B is a true and correct copy of relevant excerpts from Plaintiff’s Supplemental Response to Defendants’ First Set of Interrogatories. (Nos. 1-12).
5. Exhibit C is a true and correct copy of relevant excerpts from the Rebuttal Expert Report of Dr. Ajit Varki, submitted May 11, 2007.

6. Exhibit D is a true and correct copy of relevant excerpts from the Expert Report of Dr. Don H. Catlin, submitted May 11, 2007.
7. Exhibit E is a true and correct copy of relevant excerpts from the Supplemental Expert Report of Dr. Ajit Varki, submitted June 1, 2007.
8. Exhibit F is a true and correct copy of relevant testimony from the May 31, 2007 deposition of Dr. Eugene Goldwasser.

Signed under the penalties of perjury pursuant to 28 U.S.C. Sec. 1746 this 3rd day of July, 2007.

/s/ Peter Fratangelo
Peter Fratangelo

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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