

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

**DECLARATION OF ROBERT M. GALVIN IN SUPPORT
OF AMGEN INC.'S REPLY IN SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT OF INFRINGEMENT OF
'422 CLAIM 1, '933 CLAIM 3, AND '698 CLAIM 6**

*Contains Amgen/Roche Highly Confidential and Roche Restricted Access
Confidential BLA/IND Information Subject to Protective Order*

I, Robert M. Galvin, declare that:

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

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 do so competently.

3. Attached hereto as Exhibit 1 is a true and correct copy of a document titled “Elucidation of Structure – Summary: Evidence of Structure”, bearing production numbers ITC-R-BLA-00004232 to ITC-R-BLA-00004239, designated by Roche as Restricted Access BLA/IND Confidential Information.

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the Deposition Transcript of Carolyn Bertozzi, Ph.D., dated June 26, 2007, transcript pages 380-381, designated by Roche as Restricted Access BLA/IND Confidential Information.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the Deposition Transcript of Edward E. Harlow, Jr., Ph.D., dated June 20, 2007, transcript pages 65-66, designated by Roche as Confidential.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the Deposition Transcript of Michael Mayersohn, Ph.D., dated June 15, 2007, transcript pages 175-176, designated by Roche as Confidential.

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the Deposition Transcript of Dr. Alexander Klivanov, dated May 23, 2007, transcript pages 83-90, designated by Roche as Highly Confidential and as containing Restricted Access BLA/IND Confidential Information.

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

Signed this 9th day of July, 2007

/s/ Robert M. Galvin

Robert M. Galvin

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/ Michael R. Gottfried

Michael R. Gottfried