

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                             |   |                                  |
|-----------------------------|---|----------------------------------|
| _____                       | ) |                                  |
| AMGEN INC.,                 | ) |                                  |
|                             | ) |                                  |
| Plaintiff,                  | ) |                                  |
|                             | ) |                                  |
| vs.                         | ) |                                  |
|                             | ) | CIVIL ACTION No.: 05-CV-12237WGY |
| F. HOFFMANN-LA ROCHE LTD;   | ) |                                  |
| ROCHE DIAGNOSTICS GmbH; and | ) |                                  |
| HOFFMANN-LA ROCHE INC.      | ) |                                  |
|                             | ) |                                  |
| Defendants.                 | ) |                                  |
| _____                       | ) |                                  |

**THIRD DECLARATION OF KIMBERLY J. SELUGA  
IN SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT  
THAT THE CLAIMS OF PATENTS-IN-SUIT ARE INVALID FOR  
DOUBLE PATENTING OVER AMGEN ‘016 PATENT**

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 Defendants’ Motion for Summary Judgment That the Claims of Patents-in-Suit are Invalid for Double Patenting Over Amgen ‘016 Patent (Docket No. 490).
3. Attached hereto as Exhibit HH is a true and correct copy of U.S. Patent No. 4,529,720 (the “‘720 patent”).
4. Attached hereto as Exhibit II is a true and correct copy of U.S. Patent No. 4,367,175 (the “Fleming patent”).

Executed this 9<sup>th</sup> day of July 2007 at Boston, Massachusetts.

/s/ Kimberly J. Seluga  
Kimberly J. Seluga  
BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, Massachusetts 02110  
Tel. (617) 443-9292

**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/ Julia Huston  
Julia Huston

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