

**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 CRAIG H. CASEBEER IN SUPPORT OF  
AMGEN INC.'S OPPOSITION TO ROCHE'S MOTION PURSUANT TO FED. R. CIV.  
P. 56(f) FOR RELIEF FROM AMGEN'S MOTION FOR SUMMARY JUDGMENT OF  
NO INEQUITABLE CONDUCT**

I, Craig Casebeer, 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 1 is a true and correct copy of *Kirin-Amgen Inc. v. Hoffman-La Roche Ltd.*, 1999 Fed. Ct., Docket T-2784-97 (Reasons for Judgment), bearing bates AM-ITC 00811917-811955.

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the Canadian Patent 1,339,047, bearing bates AM-ITC 00317607 and 672.

5. Attached hereto as Exhibit 3 is a true and correct copy of select pages from *In re European Patents (UK) Nos. 148,605 and 411,678* [2001] EWHC (Patent) Judgment, bearing bates AM-ITC 01060357, 01060424-425, and 01060591-594.

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

Signed this 11<sup>th</sup> day of July, 2007.

By: /s/ Craig H. Casebeer  
Craig H. Casebeer

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 on-registered participants.

/s/ Michael R. Gottfried  
Michael R. Gottfried