

**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 DEBORAH E. FISHMAN IN SUPPORT OF AMGEN INC.'S
OPPOSITION TO ROCHE'S SECOND MOTION FOR SUMMARY JUDGMENT THAT
CLAIM 1 OF U.S. PATENT NO. 5,995,422 IS INVALID FOR INDEFINITENESS AND
LACK OF WRITTEN DESCRIPTION (DOCKET NO. 614), OR ALTERNATIVELY,
AMGEN'S MOTION TO STRIKE**

I, Deborah E. Fishman, declare as follows:

1. I am a partner 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.

4. Attached hereto as Exhibit 1 is a true and correct copy of the May 11, 2007 Expert Report of Ajit Varki, M.D.

5. Attached hereto as Exhibit 2 is a true and correct copy of the May 11, 2007 Expert Report of Donald H. Catlin, M.D.

6. Attached hereto as Exhibit 3 is a true and correct copy of pages 278-280 from the June 29, 2007 Deposition Transcript of Ajit Varki.

7. Attached hereto as Exhibit 4 is a true and correct copy of the May 11, 2007 Expert Report of Joseph W. Eschbach, M.D.

Signed this 13th day of July, 2007.

By: /s/ Deborah E. Fishman
Deborah E. Fishman

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/ Patricia R. Rich

Patricia R. Rich