

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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

**DECLARATION OF CHRISTIAN E. MAMMEN IN SUPPORT OF AMGEN’S  
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENTS THAT  
AMGEN IS ESTOPPED FROM ASSERTING INFRINGEMENT UNDER THE  
DOCTRINE OF EQUIVALENTS OF THE ASSERTED CLAIMS OF THE ‘933 AND ‘422  
PATENTS**

I, Christian E. Mammen, declare:

1. I am a member of the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for plaintiff Amgen Inc.

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 A is a true and correct copy of the '933 Patent File History, paper 1, 10/23/87 '178 Application Specification, bearing the production numbers AM-ITC 00940940-074.

4. Attached hereto as Exhibit B is a true and correct copy of the '933 Patent File History, paper 2, 2/10/88 '178 Application Under 37 CFR 1.60, bearing the production numbers AM-ITC 00941076-080.

5. Attached hereto as Exhibit C is a true and correct copy of the '933 Patent File History, paper 3, 2/19/88 Preliminary Amendment, bearing the production numbers AM-ITC 00941082-088.

6. Attached hereto as Exhibit D is a true and correct copy of the '933 Patent File History, paper 4, 06/02/1988 Office Action, bearing the production numbers AM-ITC 00941090-100.

7. Attached hereto as Exhibit E is a true and correct copy of the '933 Patent File History, paper 6, 12/1/88 Amendment and Reply, bearing the production numbers AM-ITC 00941106-118.

8. Attached hereto as Exhibit F is a true and correct copy of the '933 Patent File History paper 9, 2/10/89 Office Action, bearing the production numbers AM-ITC 00941148-158.

9. Attached hereto as Exhibit G is a true and correct copy of the '933 Patent File History, paper 11, 6/2/89 Amendment Under Rule 116, bearing the production number AM-ITC 00941165-172.

10. Attached hereto as Exhibit H is a true and correct copy of the '933 Patent File History, paper 19, 1/10/90 Amendment Under Rule 116, bearing production numbers AM-ITC 00941212-220.

11. Attached hereto as Exhibit I is a true and correct copy of the '933 Patent File History, paper 21, 2/9/90 Communication from Examiner, bearing the production numbers AM-ITC 00941225-227.

12. Attached hereto as Exhibit J is a true and correct copy of the '933 Patent File History, paper 34, 12/29/93 Office Action, bearing production numbers AM-ITC 00941411-415.

13. Attached hereto as Exhibit K is a true and correct copy of the '933 Patent File History, paper 37, 6/13/94 Preliminary Amendment, bearing production numbers AM-ITC 00941452-454.

14. Attached hereto as Exhibit L is a true and correct copy of Amgen's Inc.'s Post-Hearing Memorandum In Support of Its Fed. R. Civ. P. 52(c) Motion that '080 Claims 2-4 Are Infringed Under the Doctrine of Equivalents, filed 8/18/03, bearing production numbers AM-ITC 00852559-580.

15. Attached hereto as Exhibit M is a true and correct copy of the '422 Patent File History, paper 2, 11/6/90 Preliminary Amendment, bearing production numbers AM-ITC 00943116-127.

16. Attached hereto as Exhibit N is a true and correct copy of the '933 Patent File History, paper 38, 8/16/94 Office Action, bearing production numbers AM-ITC 00941456-495.

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

Signed this 13th day of July, 2007.

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/s/ Christian E. Mammen

Christian E. Mammen

**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*

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Michael R. Gottfried