

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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AMGEN INC.,)
)
Plaintiff,)
)
vs.)
) CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD;)
ROCHE DIAGNOSTICS GmbH; and)
HOFFMANN-LA ROCHE INC.)
)
Defendants.)
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**DECLARATION OF KEITH E. TOMS IN SUPPORT OF
DEFENDANTS’ SUR-REPLY IN SUPPORT OF ITS OPPOSITION TO AMGEN’S
MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT OF ‘422 CLAIM 1,
‘933 CLAIM 3, AND ‘698 CLAIM 6**

I, Keith E. Toms, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of Massachusetts. I am an attorney at the law firm of Bromberg & Sunstein LLP and am counsel for Defendants in the above-referenced case.

2. I make this declaration in support of Roche’s Surreply in Support of its Opposition to Amgen’s Motion for Summary Judgment of Infringement of ‘422 Claim 1, ‘933 Claim 3, and ‘698 Claim 6.

3. Exhibit A is a true and correct copy of an excerpt from Barrett, Chemistry and Biochemistry of Amino Acids, Chapter 4, “The Non-Protein Amino Acids.”

4. Exhibit B is a true and correct copy of AM-ITC 00941114.

5. Exhibit C is a true and correct copy of an excerpt from the Deposition Testimony Transcript of Harvey Lodish, Ph.D. dated July 3, 2007.

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

Dated: July 13, 2007

/s/ Keith E. Toms
Keith E. Toms

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/ Keith E. Toms
Keith E. Toms

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