

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
)
 Plaintiff,)
)
 v.)
)
 F. HOFFMANN-LA ROCHE LTD,)
 ROCHE DIAGNOSTICS GMBH,)
 and HOFFMANN-LA ROCHE INC.,)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF TIMOTHY M. MURPHY IN SUPPORT OF
DEFENDANTS’ MEMORANDUM IN OPPOSITION TO AMGEN INC.’S MOTION TO
STRIKE UNTIMELY EXPERT TESTIMONY - AND - DEFENDANTS’ MOTION, IN
THE ALTERNATIVE, TO STRIKE UNTIMELY EXPERT TESTIMONY OF RALPH A.
BRADSHAW REGARDING AMGEN’S MOTION FOR SUMMARY JUDGMENT OF
NO OBVIOUSNESS-TYPE DOUBLE PATENTING**

I, Timothy M. Murphy, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the Commonwealth of Massachusetts and am a partner in the law firm of Bromberg & Sunstein LLP, counsel for Defendants in the above captioned case.

2. I make this declaration in support of Defendants’ Memorandum in Opposition to Amgen Inc.’s Motion, to Strike Untimely Expert Testimony Regarding Amgen’s Motion for Summary Judgment of No Obviousness-Type Double Patenting. I also make this declaration in support of Defendants’ Motion, in the Alternative, to Strike Untimely Expert Testimony of Ralph A. Bradshaw Regarding Amgen’s Motion for Summary Judgment of No Obviousness-Type Double Patenting.

3. Exhibit A is a true and correct copy of excerpts from the Expert Report of Dr. Edward Everett Harlow, Jr., dated April 6, 2007.
4. Exhibit B is a true and correct copy of excerpts from the Rebuttal Report of Ralph A. Bradshaw, Ph.D., dated May 11, 2007.
5. Exhibit C is a true and correct copy of excerpts from the Expert Report of Ralph A. Bradshaw, Ph.D. to New Infringement Arguments Raised in the Rebuttal Reports of Defendants' Experts, dated June 1, 2007.
6. Exhibit D is a true and correct copy of excerpts from the deposition of Ralph A. Bradshaw, Ph.D., taken on June 19, 2007.
7. Exhibit E is a true and correct copy of excerpts from the Expert Report of John Lowe, M.D., dated April 6, 2007.
8. Exhibit F is a true and correct copy of excerpts from the April 6, 2007 Expert Report of Michael Sofocleous.
9. Exhibit G is a true and correct copy of excerpts from the Second Supplemental Expert Report of Dr. Thomas Kadesch, dated June 13, 2007.
10. Exhibit H is a true and correct copy of a excerpts from Roche's Second Supplemental Responses and Objections to Plaintiff Amgen Inc.'s First Set of Interrogatories to Defendants (Nos. 1-15), dated February 26, 2007.

Signed under the penalties of perjury pursuant to 28 U.S.C. Sec. 1746 this 16th day of July, 2007.

/s/ Timothy M. Murphy
Timothy M. Murphy

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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