

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	Civil Action No. 05-12237 WGY
)	
v.)	U.S. District Judge Young
)	
F. HOFFMANN-LA ROCHE, Ltd, a)	
Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN-LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendant.)	

**DECLARATION OF JENNIFER R. MOORE IN SUPPORT OF REPLY
MEMORANDUM IN FURTHER SUPPORT OF DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT THAT CLAIM 1 OF U.S. PATENT NO. 5,995,422 IS
INVALID FOR INDEFINITENESS AND LACK OF WRITTEN DESCRIPTION,
AND DEFENDANTS’ OPPOSITION TO AMGEN’S ALTERNATIVE MOTION TO
STRIKE**

I, Jennifer R. Moore, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and am an associate in the law firm of Kaye Scholer LLP, counsel for Defendants in the above captioned case.
2. I make this declaration in support of Reply Memorandum in Further Support of Defendants’ Motion for Summary Judgment that Claim 1 of U.S. Patent No. 5,995,422 is Invalid for Indefiniteness and Lack of Written Description, and Defendants’ Opposition to Amgen’s Alternative Motion to Strike.
3. Exhibit A is a true and correct copy of a relevant excerpts from the Second Supplemental Expert Report of Ajit Varki, MD submitted June 20, 2007.

4. Exhibit B is a true and correct copy of relevant excerpts from the Deposition Testimony Transcript of Ajit Varki, MD dated June 29, 2007.
5. Exhibit C is a true and correct copy of relevant excerpts from the Rebuttal Expert Report of Ajit Varki, MD submitted May 11, 2007.
6. Exhibit D is a true and correct copy of relevant excerpts from the Deposition Testimony Transcript of Ralph Bradshaw, Ph.D. dated June 19, 2007.
7. Exhibit E is a true and correct copy of AM-ITC 00941166-72.
8. Exhibit F is a true and correct copy of relevant excerpts from the Non-Infringement Expert Report of Richard A. Flavell, Ph.D. submitted May 11, 2007.
9. Exhibit G is a true and correct copy of Hamilton, S.R., et al. (2006) *Science*, 313: 1441-43.

Dated: July 16, 2007
New York, New York

Respectfully submitted,

/s/ Jennifer R. Moore
Jennifer R. Moore

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 July 31, 2007.

/s/ Keith E. Toms
Keith E. Toms

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