

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|----------------------------|---|----------------------------------|
| _____ |) | |
| AMGEN INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | CIVIL ACTION No.: 05-CV-12237WGY |
| F. HOFFMANN-LA ROCHE LTD |) | |
| ROCHE DIAGNOSTICS GmbH |) | |
| and HOFFMANN-LA ROCHE INC. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**DECLARATION OF KREGG T. BROOKS IN SUPPORT OF ROCHE’S
MOTION *IN LIMINE* TO PRECLUDE AMGEN INC. FROM MAKING ASSERTIONS
THAT CONTRADICT STATEMENTS MADE IN SPECIFICATIONS OF PATENTS-IN-
SUIT**

I, Kregg T. Brooks, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the Commonwealth of Massachusetts and I am an associate in the law firm of Bromberg & Sunstein LLP, counsel for Defendants in the above captioned case.
2. I make this declaration in support of Roche’s Motion *In Limine* to Preclude Amgen Inc. From Making Assertions that Contradict Statements Made in Specifications of the Patents-in-Suit.
3. Exhibit A is a true and correct copy of a Declaration for Patent Application signed by Dr. Fu-Kuen Lin, dated November 29, 1984 (AM-ITC 00953127).
4. Exhibit B is a true and correct copy of U.S. Patent No. 5,441,868.

Dated: August 13, 2007
Boston, Massachusetts

/s/ Kregg T. Brooks
Kregg T. Brooks

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/ Kregg T. Brooks
Kregg T. Brooks

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