

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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 KRISTA M. RYCROFT IN SUPPORT OF ROCHE’S MOTION *IN LIMINE* TO PRECLUDE AMGEN INC. FROM ASSERTING THAT THE GENERATION OF TRYPTIC FRAGMENTS AND DETERMINATION OF THE AMINO ACID SEQUENCE OF EPO WAS NOVEL AND NON-OBVIOUS

I, KRISTA M. RYCROFT, 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 Roche’s Motion *In Limine* to Preclude Amgen Inc. From Contradicting Arguments Made in Prior Administrative and Judicial Proceedings.
3. Exhibit 1 is a true and correct copy of a Protest by Por-Hsuing Lai Regarding Inventorship in the ‘179 File History (Paper 28), dated July 23, 1993 (AM-ITC 00953584-89).
4. Exhibit 2 is a true and correct copy of a Protest by Por-Hsuing Lai in the ‘178 File History (Paper 31) (AM-ITC 00941256-61).

5. Exhibit 3 is a true and correct copy of a compilation of the Declaration for Patent Application, dated November 29, 1984, as submitted during prosecution of each of the patents-in-suit.
6. Exhibit 4 is a true and correct copy of a Declaration Pursuant to 37 C.F.R. 1.132 by Dr. Lin, dated April 29, 1986 (R008891981-83).
7. Exhibit 5 is a true and correct copy of a Declaration Pursuant to 37 C.F.R. 1.132 by Dr. Lin, dated April 29, 1986 (R008891985-87).
8. Exhibit 6 is a true and correct copy of an Office Action in the '178 File History (Paper 34), dated December 29, 1993 (AM-ITC 00941411-14).
9. Exhibit 7 is a true and correct copy of an Office Action in the '179 File History (Paper 29), dated September 1, 1993 (AM-ITC 00870539-50).

Dated: August 13, 2007

Respectfully submitted,

/s/ Krista M. Rycroft
Krista M. Rycroft

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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