

Exhibit 5**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:)	"PRODUCTION OF
FU-KUEN LIN)	ERYTHROPOIETIN"
Serial No. 675,298)	Group Art Unit 127
Filed: November 30, 1984)	Examiner: J.M. Giesser

DECLARATION PURSUANT TO 37 C.F.R. SECTION 1.132

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I, Fu-Kuen Lin, solemnly declare:

1. That since August 6, 1981 I have been employed by Amgen, Thousand Oaks, California and currently hold the position of Research Scientist;

2. That from May, 1979 to July, 1981 I held the position of Postdoctoral Research Associate at the Medical University of South Carolina, Charleston, S.C.;

3. That from October, 1977 to May, 1979 I held the position of Postdoctoral Research Associate at Louisiana State University, Baton Rouge, Louisiana;

4. That from January, 1977 to June, 1977 I held the position of Associate Professor at the National Taiwan University, Taiwan, China;

5. That from October, 1975 to September, 1977, I held the position of Associate Research Fellow at the Institute of Botany Academia Sinica, Taipei, Taiwan, China;

6. That from July, 1976 to October, 1976 I held the position of Visiting Scientist at the Tumor Biology Lab, University of Nebraska, Lincoln, Nebraska;

7. That from January, 1974 to September, 1975 I held the position of Postdoctoral Research Associate at the Tumor Biology Lab at the University of Nebraska, Lincoln, Nebraska;

2534

R008891985

Dockets.Justia.com

8. That from October, 1971 to December, 1973 I held the position of Postdoctoral Research Associate at the Department of Biological Sciences, Purdue University, West Lafayette, Indiana;

9. That I obtained a Ph.D. from the University of Illinois, Urbana, Illinois in 1971 in Plant Pathology/Fungi Physiology, a M.S. from the National Taiwan University, Taiwan, China in 1967 and a B.S. from the National Taiwan University, Taiwan, China in 1964;

10. That I am the sole inventor of the subject matter described and claimed in the United States Patent Application Serial No. 675,298, entitled "Production of Erythropoietin";

11. That I am a coauthor of an abstract entitled "Cloning and Expression of Monkey Human Erythropoietin Gene" of an abstract published in the Exp. Hematol. 12, 357 (1984).

12. That Por H. Lai, also a coauthor of the publication referred to in Paragraph 11, was a research scientist who assisted in sequencing fragments of the erythropoietin protein, and while co-authoring said publication, is not a coinventor of the subject matter claimed in said patent application.

13. That Jeffrey Browne, also a coauthor of the publication referred to in Paragraph 11, was a research scientist who expressed the erythropoietin clone in the SV40 promoter expression vector, and while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application.

14. That Joan Egrie, also a coauthor of the publication referred to in Paragraph 11, was a research scientist who provided analytical support and while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application.

15. That Chi-Hwei Lin, also a coauthor of the publication referred to in Paragraph 11, was a research technician working under my direction and supervision to assist in cloning erythropoietin and while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application.

16. That Eugene Goldwasser, also a coauthor of the publication referred to in Paragraph 11, is a member of the Department of Biochemistry and Molecular Biology, The University of Chicago, is a consultant to Amgen regarding erythropoietin and has provided Amgen with

+ 357

natural erythropoietin and while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application;

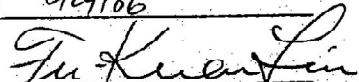
17. That Fung-Fang Wang, also a coauthor of the publication referred to in paragraph 11, was a graduate student working under the direction and supervision of Eugene Goldwasser at the University of Chicago, and, that while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application;

18. That Ralph Smalling, also a coauthor of the publication referred to in Paragraph 11, is a research associate working under the direction and supervision of Jeffrey Browne and was involved in expressing erythropoietin clone in the SV40 promoter expression vector and while coauthoring said publication, is not a coinventor of the subject matter claimed in said patent application.

19. That all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further; that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

8/9/86


Fu-Kuen Lin

HCP2(08.29.86)

Handwritten initials