

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN, INC.,
Plaintiff,
v.
F. HOFFMANN-LAROCHE LTD.,
a Swiss Company, ROCHE DIAGNOSTICS
GMBH, a German Company, and
HOFFMANN LAROCHE INC., a New
Jersey Corporation,
Defendants.
Civil Action No. 05 CV 12237 WGY

DECLARATION OF MATTHEW C. NIELSEN IN SUPPORT OF PLAINTIFF
AMGEN'S MOTION IN LIMINE NO. 11: EXCLUDE THE 1986 LAI ET AL. PAPER
[ROCHE TRIAL EXH. 501] BECAUSE IT IS NOT PRIOR ART

I, Matthew C. Nielsen, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of Illinois and am a partner in the law firm of Marshall, Gerstein & Borun LLP, counsel for Plaintiff Amgen, Inc. in the above-captioned action.

2. I make this declaration in support of Plaintiff Amgen's Motion In Limine 11: exclude the 1986 Lai et al. paper [Roche Trial Exh. 501] because it is not prior art.

3. Statements made herein are based on my firsthand, personal knowledge.

4. Exhibit 1 is a true and correct copy of Lai et al., "Structural Characterization of Human Erythropoietin," J. Biol. Chem. (1986) 261(7):3116-21. Pertinent parts of Exhibit 1 have been emphasized (by circling text) for the Court's convenience.

Dated: August 21, 2007

Respectfully submitted,

/s/ Matthew C. Nielsen
Matthew C. Nielsen

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 and paper copies will be sent to those indicated as non-registered participants on August 21, 2007.

/s/ Michael R. Gottfried
Michael R. Gottfried