

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
DIAGNOSTICS GmbH, a German)	
Company and HOFFMANN-LA ROCHE)	
INC., a New Jersey Corporation,)	
)	
Defendants.)	
_____)	

**DECLARATION OF GEOFFREY M. GODFREY IN SUPPORT OF
AMGEN'S OPPOSITION TO ROCHE'S MOTION *IN LIMINE* TO PRECLUDE
AMGEN FROM CONTRADICTING ARGUMENTS MADE IN PRIOR
ADMINISTRATIVE AND JUDICIAL PROCEEDINGS**

I, Geoffrey M. Godfrey, declare as follows:

1. I am an attorney at the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for plaintiff Amgen Inc. I am admitted to practice law before this Court (*pro hac vice*) and all of the Courts of the State of California.

2. I make this declaration of my own personal knowledge. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

3. Attached hereto as Exhibit A is a true and correct copy of the Manual of Patent Examining Procedure § 2303 (5th ed., Rev. 9, Sept. 1988).

4. Attached hereto as Exhibit B is a true and correct copy of 37 C.F.R. § 1.601(f) (1988).

5. Attached hereto as Exhibit C is a true and correct copy of an Office Action, dated February 9, 1990, from the prosecution history of U.S. Patent Application No. 07/113,178.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from a document titled "Preliminary Motions of the Party Fritsch et al.," dated August 9, 1989, from Interference Nos. 102,096 and 102,097.

7. Attached hereto as Exhibit E is a true and correct copy of excerpts from a document titled "Oppositions By the Party Lin to the Preliminary Motions of the Party Fritsch et al.," dated August 29, 1989, from Interference Nos. 102,096 and 102,097.

8. Attached hereto as Exhibit F is a true and correct copy of a document titled "Decisions on Motions," dated February 9, 1990, from Interference No. 102,096.

9. Attached hereto as Exhibit G is a true and correct copy of a document titled "Decisions on Motions," dated February 9, 1990, from Interference No. 102,097.

10. Attached hereto as Exhibit H is a true and correct copy of excerpts from a document titled "Brief for the Party Fritsch," dated July 8, 1991, from Interference No. 102,097.

11. Attached hereto as Exhibit I is a true and correct copy of excerpts from a document titled "Brief for the Party Fritsch," dated July 8, 1991, from Interference No. 102,096.

12. Attached hereto as Exhibit J is a true and correct copy of excerpts from a document titled "Brief for the Party Fritsch," dated July 8, 1991, from Interference No. 102,334.

13. Attached hereto as Exhibit K is a true and correct copy of an Office Action, dated August 11, 1994, from the prosecution history of U.S. Patent Application No. 07/113,179.

14. Attached hereto as Exhibit L is a true and correct copy of a document titled "Applicant's Amendment and Remarks Under 37 C.F.R. §§ 1.111 and 1.115," dated October 7, 1994, from the prosecution history of U.S. Patent Application No. 07/113,179.

15. Attached hereto as Exhibit M is a true and correct copy of a Notice of Allowability, dated February 6, 1995, from the prosecution history of U.S. Patent Application No. 07/113,179.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signed this 24th day of August, 2007.

By: /s/ Geoffrey M. Godfrey
 Geoffrey M. Godfrey