

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 PETER FRATANGELO IN SUPPORT OF  
ROCHE’S OPPOSITION TO AMGEN’S EMERGENCY MOTION  
FOR ORDER PRECLUDING ROCHE FROM ARGUING THAT THE ‘933, ‘422,  
AND ‘349 PATENT CLAIMS ARE INVALID FOR OBVIOUSNESS-TYPE  
DOUBLE PATENTING OVER THE ‘868 AND ‘698 PATENTS**

I, Peter Fratangelo, declare under penalty of perjury that:

1. I am an attorney admitted to the Bars of the Commonwealth of Massachusetts and the State of New York and this Court. I am an associate at the law firm of Kaye Scholer LLP, counsel for Defendants in the above-referenced case.

2. I make this declaration in support of the Roche’s Opposition to Amgen’s Emergency Motion for Order Precluding Roche From Arguing That The ‘933, ‘422, And ‘349 Patent Claims Are Invalid For Obviousness-type Double Patenting Over The ‘868 And ‘698 Patents.

3. Exhibit 1 is a true and correct copy of Examiner’s Action 198, 7/03/86, in U.S. patent application serial no. 675,298, R008891908-16.

4. Exhibit 2 is a true and correct copy of Applicant's Amendment and Reply Under 37 C.F.R. § 1.115, 3/11/87, in U.S. patent application serial no. 675,298, R008892011-38.

Dated: September 4, 2007  
Boston, Massachusetts

/s/ Peter Fratangelo  
Peter Fratangelo (BBO# 639775)

**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