

ATTACHMENT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,

Plaintiff,

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.

Civil Action No.: 1:05-CV-12237 WGY

**DECLARATION OF WILLIAM G. GAEDE, III IN SUPPORT OF
PLAINTIFF AMGEN INC.’S REPLY IN SUPPORT OF ITS MOTION *IN LIMINE*
NO. 17 TO EXCLUDE ROCHE FROM PRESENTING EVIDENCE
TO CHALLENGE THE NON-OBVIOUSNESS OF THE DNA SEQUENCE
ENCODING FOR HUMAN ERYTHROPOIETIN IN 1983**

I, William G. Gaede, III, declare as follows:

1. I am a partner with McDermott Will & Emery LLP and counsel for Amgen, Inc. in the above-captioned matter.
2. I am submitting this declaration in support of Plaintiff Amgen Inc.’s Reply in Support of Its Motion *in Limine* No. 17 To Exclude Roche From Presenting Evidence To Challenge the Non-Obviousness of the DNA Sequence Encoding for Human Erythropoietin in 1983.
3. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.
4. Attached as Exhibit 1 is a true and correct copy of a F. Hoffman-La Roche Ltd press release dated June 27, 2002.

5. Attached as Exhibit 2 is a true and correct copy of a letter from the chairman contained in F. Hoffman-La Roche Ltd's 2002 annual report. This letter can be obtained at: <http://www.roche.com/pages/downloads/investor/pdf/reports/gb02/e02.pdf>.

6. Attached as Exhibit 3 is a true and correct copy of selected pages from the May 8, 2007, Second Supplemental Expert Report of Dr. Lowe.

7. Attached as Exhibit 4 is a true and correct copy of select pages from the Designated Deposition Transcript of Takaji Miyake from *Amgen Inc. v. Chugai Pharmaceutical Co., Ltd., et al*, Civil Action No. 87-2617-Y, (U.S.D.C. Mass) which has been submitted as a deposition designation to be used at trial by Roche in this case.

I declare, under penalty of perjury, under the laws of the United States, that the foregoing is true and correct and that this Declaration was completed at Palo Alto, California this 6th day of September 2007.

/s/William G. Gaede, III

William G. Gaede, III

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing (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/ Michael R. Gottfried

Michael R. Gottfried