

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 05-12237 WGY
	)	
	)	
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 KEVIN M. FLOWERS REGARDING  
GENETICS INSTITUTE DOCUMENTS**

I, Kevin M. Flowers, declare as follows:

1. I am a partner at the law firm of Marshall Gerstein & Borun 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 Illinois.

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 a redacted version of a January 16, 1984 letter from Man-chui Yang of Genetics Institute to Dr. R. Sadhiro of Chugai Pharmaceutical Co. Ltd., bearing bates number 017806.

4. Attached hereto as Exhibit B is a true and correct copy of an August 9, 1988 letter from Valerie M. Fedowich of Morgan & Finnegan to Richard A. Schnurr of Marshall, O'Toole, Gerstein, Murray & Bicknell.

5. On information and belief, Exhibit A and Exhibit B were both found in the litigation and correspondence files maintained by Marshall Gerstein & Borun LLP from the *Amgen v. Chugai and Genetics Institute*, C.A. No. 87-2617Y litigation.

6. On information and belief, Exhibit A was produced to the law firm of Marshall, O'Toole, Gerstein, Murray & Bicknell, during the course of the *Amgen v. Chugai and Genetics Institute*, C.A. No. 87-2617Y litigation. On information and belief, Exhibit B was created and sent during the course of the *Amgen v. Chugai and Genetics Institute*, C.A. No. 87-2617Y litigation.

7. On information and belief, since the time that they were produced or created, these documents have been maintained in the possession, custody and control of Marshall, O'Toole, Gerstein, Murray & Bicknell and subsequently Marshall Gerstein & Borun LLP.

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

Signed this 12th day of September, 2007.

By:           /s/ *Kevin M. Flowers*            
Kevin M. Flowers

**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 the above date.

                  /s/ Patricia R. Rich

Patricia R. Rich