

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN, INC.
Plaintiff,
v.
F. HOFFMAN-LA ROCHE LTD., a Swiss
Company, ROCHE DIAGNOSTICS GmbH, a
German Company, and HOFFMAN-LA ROCHE
INC., a New Jersey Corporation
Defendants.

C.A. No. 05-12237-WGY

Leave To File Granted
September 7, 2007

DECLARATION OF JAMES M. FRASER IN SUPPORT OF AMGEN'S
SUPPLEMENTAL MEMORANDUM REGARDING DEFENDANTS' MOTION TO
PRECLUDE TESTIMONY FROM BELATEDLY DISCLOSED FACT WITNESSES

I, James M. Fraser, hereby declare under penalty of perjury that I am an attorney admitted
to practice in the Commonwealth of Massachusetts, and am associated with the law firm of
McDermott Will & Emery LLP, counsel for Plaintiff Amgen, Inc. in the above-captioned case.
I submit this affidavit to accompany Amgen's Supplemental Motion Regarding Defendants'
Motion to Preclude Testimony from Belatedly Disclosed Fact Witnesses.

1. Exhibit 1 hereto is true and correct copies of letters dated August 21, 2007, from
Jeremy D. Protas (counsel for Amgen) to Peter Fratangelo (counsel for Roche) regarding
supplemental production of documents.

Dated August 24, 2007

/s/ James M. Fraser _____

James M. Fraser

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.

/s/ Michael R. Gottfried _____

Michael R. Gottfried