

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
vs.)	
)	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 MOTION *IN LIMINE* TO PRECLUDE TESTIMONY
OF PROPOSED AMGEN WITNESS NANCY SPAETH**

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 Roche’s Motion *in Limine* to Preclude Testimony of Proposed Amgen Witness Nancy Spaeth Based on Additional Evidence.

4. Exhibit A is a true and correct copy of an excerpt from the deposition testimony of Nancy Spaeth dated August 29, 2007.

5. Exhibit B is a true and correct copy of the webpage titled Nancy’s Services located at <http://www.nancyspaeth.com/id2.html>, printed from the internet on August 19, 2007.

Dated: September 24, 2007
Boston, Massachusetts

/s/ Peter Fratangelo
Peter Fratangelo

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). Pursuant to agreement of counsel dated September 9, 2007, paper copies will not be sent to those indicated as non registered participants.

/s/ Keith E. Toms

Keith E. Toms

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