

**PIN THE UNITED STATES DISTRICT COURT
FOR THE 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. 05-12237 WGY

U.S. District Judge Young

**DECLARATION OF HOWARD S. SUH IN SUPPORT OF
ROCHE'S MOTION *IN LIMINE* TO PRECLUDE OPINION TESTIMONY
OF AMGEN'S EXPERT WITNESS DR. FRIEDMAN BASED ON
IMPROPER INSTRUCTIONS NOT TO ANSWER AT HIS DEPOSITION**

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F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GmbH, and
HOFFMANN-LA ROCHE INC.*

Dated: September 24, 2007

I, Howard S. Suh, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and am an associate in the law firm of Kaye Scholer LLP, counsel for Defendants in the above captioned case.
2. I make this declaration in support of Roche's Motion *In Limine* to Preclude Opinion Testimony of Amgen's Expert Witness Dr. Friedman Based on Improper Instructions Not to Answer at His Deposition.
3. Exhibit A is a true and correct copy of excerpts from the August 17, 2007 Deposition of Dr. Eli Friedman.

Dated: September 24, 2007
Boston, Massachusetts

/s/ Howard S. Suh
Howard S. Suh

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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