

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, )  
 ROCHE DIAGNOSTICS GMBH, )  
 AND HOFFMANN-LA ROCHE INC., )  
 )  
 Defendants )

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CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF MANVIN MAYELL IN SUPPORT OF ROCHE’S MOTION *IN LIMINE* TO PRECLUDE AMGEN FROM CALLING JEFFREY BROWNE AT TRIAL AFTER FAILING TO PRODUCE HIM FOR DEPOSITION PURSUANT TO SUBPOENA**

I, Manvin Mayell, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and to the United States District Court for the District of Massachusetts *pro hac vice* and am counsel to 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 Amgen From Calling Jeffrey Browne At Trial After Failing to Produce Him For Deposition Pursuant to Subpoena.
3. Exhibit A, attached hereto, is a true and correct copy of Defendants’ Seventh Notice of Deposition, dated March 16, 2007.
4. Exhibit B, attached hereto, is a true and correct copy of emails dated March 2007.
5. Exhibit C, attached hereto, is a true and correct copy of an email dated March 28, 2007.
6. Exhibit D, attached hereto, is a true and correct copy of a subpoena to Jeffrey K. Browne, dated March 28, 2007.
7. Exhibit E, attached hereto, is a true and correct copy of emails dated April 2, 2007.

Dated: September 25, 2007  
New York, New York

Respectfully submitted,

/s/ Manvin Mayell  
Manvin Mayell

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**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/ Kimberly J. Seluga  
Kimberly J. Seluga

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