

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

DECLARATION OF DANIEL A. CURTO IN SUPPORT OF AMGEN INC.'S MOTION
FOR A PROTECTIVE ORDER TO LIMIT ROCHE'S DEPOSITION
OF JEFFREY BROWNE TO FOUR HOURS BECAUSE OF
ROCHE'S REFUSAL TO START THE DEPOSITION ON SEPTEMBER 26, 2007

I, Daniel A. Curto, hereby declare under penalty of perjury that I am an attorney admitted
to practice in the Commonwealth of Massachusetts, and am a partner at 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 Inc.'s Motion For A Protective Order To Limit
Roche's Deposition Of Jeffrey Browne To Four Hours Because Of Roche's Refusal To Start The
Deposition On September 26, 2007.

1. Exhibit A hereto contains a true and correct copy of excerpts from September 26,
2007 Daily Trial Transcript in Amgen Inc. v. F. Hoffman-La Roche Ltd, et al., (C.A. 05-12237-
WGY).

2. Exhibit B hereto contains a true and correct copy of an e-mail from Renee
DuBord Brown to Thomas Fleming, dated September 26, 2007.

3. Exhibit C hereto contains a true and correct copy of an e-mail from Clare Foley to Rachelle Platt, dated September 26, 2007.

4. Exhibit D hereto contains a true and correct copy of an e-mail from Howard Suh to Renee DuBord Brown, dated September 26, 2007.

Dated September 26, 2007

/s/ Daniel A. Curto

Daniel A. Curto

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/ Patricia R. Rich

Patricia R. Rich