

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
 Plaintiff,)
)
 vs.)
)
 F. HOFFMANN-LA ROCHE, LTD;)
 ROCHE DIAGNOSTICS GmbH; and)
 HOFFMANN-LA ROCHE INC.)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF PETER FRATANGELO IN SUPPORT OF
DEFENDANTS' MOTION *IN LIMINE* TO PRECLUDE AMGEN
FROM PRESENTING TESTIMONY OF CHARLES KUNG**

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 Defendants' Motion *in Limine* to Preclude Amgen from Presenting Testimony of Charles Kung.

3. Exhibit A is a true and correct copy of First Letter from Renee DuBord Brown to Tom Fleming, dated September 27, 2007.

5. Exhibit B is a true and correct copy of Second Letter from Renee DuBord Brown to Tom Fleming, dated September 27, 2007.

6. Exhibit C is a true and correct copy of an email chain containing an email from Thomas Fleming to Renee DuBord Brown dated Sept. 26, 2007 at 6:07pm, and response from Ms. Brown to Mr. Fleming on Sept. 27, 2007 at 1:04pm.

Dated: September 27, 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) on the above date.

/s/ Thomas F. Fleming
Thomas F. Fleming