

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 1:05-CV-12237 WGY
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.)	

**DECLARATION OF ANDREW A. KUMAMOTO IN SUPPORT OF
AMGEN'S BENCH MEMORANDUM AS TO THE ADMISSIBILITY OF
EXHIBIT EYU AS A ROCHE PARTY ADMISSION**

I, Andrew A. Kumamoto, declare as follows:

1. I am a partner with McDermott Will & Emery LLP and counsel for Amgen, Inc. in the above-captioned matter.
2. I am submitting this declaration in support of Amgen's Bench Memorandum as to the Admissibility of Exhibit EYU as a Roche Party Admission.
3. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.
4. Attached as Exhibit 1 is a true and correct copy of Exhibit EYU, a powerpoint presentation entitled "Suggested Elimination Pathways of CERA in CKD Patients."
5. Attached as Exhibit 2 is a true and correct copy of Roche's 2002 Annual Letter from the Chairman at <http://www.roche.com/pages/downloads/investor/pdf/reports/gb02/e02.pdf>.
6. Attached as Exhibit 3 is a true and correct copy of Chugai's August 5, 2005 Overview of R&D Activities, which is publicly available on Chugai's website at www.chugai-pharm.co.jp/html/meeting/pdf/050805e_2.pdf.

7. Attached as Exhibit 4 is a true and correct copy of Chugai's Development Pipeline as of July 31, 2007, at www.chugai-pharm.co.jp/English/ir/pipeline/index.html.

8. Attached as Exhibit 5 is a true and correct copy of Roche's current Pharma Pipeline located at: www.roche.com/home/investors/inv_pipeline/inv_pipeline_det.htm?ta=%25&Phase=filed&submit=Show+pipeline.

I declare, under penalty of perjury, under the laws of the United States, that the foregoing is true and correct and that this Declaration was completed at Palo Alto, California this 3rd day of October 2007.

/s/ Andrew A. Kumamoto

Andrew A. Kumamoto

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing (ECF) system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Michael R. Gottfried

Michael R. Gottfried