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## UNITED STATES DISTRICT COURT **DISTRICT OF MASSACHUSETTS**

AMGEN INC.,	)
ANIOLIVINC.,	)
Plaintiff,	)
	) Civil Action No.: 05-12237 WGY
V.	)
	) CONTAINS ROCHE
F. HOFFMANN-LA ROCHE	) CONFIDENTIAL DISCOVERY
LTD., a Swiss Company, ROCHE	) MATERIAL
DIAGNOSTICS GmbH, a German	)
Company and HOFFMANN LAROCHE	)
INC., a New Jersey Corporation,	)
	)
Defendants.	)

DECLARATION OF DEBORAH E. FISHMAN IN SUPPORT OF PLAINTIFF AMGEN INC.'S MOTION FOR CLARIFICATION OF THE COURT'S **DECEMBER 29, 2006 ORDER** 

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- I, Deborah E. Fishman, declare as follows:
- 1. I am an attorney admitted to practice law before all of the Courts of the State of California and before this Court (*pro hac vice*). I am a partner of the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for plaintiff Amgen Inc. in this matter.
- 2. I make this declaration of my own personal knowledge. If called to testify with respect to the truth of the matters stated herein, I could and would do so competently.
- 3. Attached hereto as Exhibit 1 is a true and correct copy of Roche's "Medical Plan 2006" bearing production numbers ITC-R-00085385-93. Slide 14 (ITC-R-00085391) entitled "CERA Medical Team Phase IIIb/IV Timelines Dialysis Prepare the Launch" identifies FDA approval in the second quarter of 2007 and shows two "studies" ("de novo" and "Superiority") completing at the end of the fourth quarter of 2007 and two other "studies" ("Switch" and "Value Q4W CERA") ending in 2008.
- 4. Attached hereto as Exhibit 2 is a true and correct copy of a letter dated January 3, 2007 from D. Fishman to P. Fratangelo.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed this 12<sup>th</sup> day of January, 2007.

 /s/	Deborah E. Fishman	
	Deborah E. Fishman	

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