

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

	)	
AMGEN INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD;	)	
ROCHE DIAGNOSTICS GmbH; and	)	
HOFFMANN-LA ROCHE INC.	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF KEITH E. TOMS IN SUPPORT OF DEFENDANTS’  
MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS**

I, Keith E. Toms, declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of Massachusetts. I am an attorney at the law firm of Bromberg & Sunstein LLP and am counsel for Defendants in the above-referenced case.
  
2. I make this declaration in support of the Defendants’ Motion to Compel the Production of Documents, dated January 19, 2007.
  
3. Attached hereto as Exhibit A is a true and correct copy of a letter from William G. Gaede III to Peter Fratangelo, dated January 16, 2007.
  
4. Attached hereto as Exhibit B is a true and correct copy of a letter from Manvin S. Mayell to William G. Gaede III, dated January 17, 2007.

5. Attached hereto as Exhibit C is a true and correct copy of a letter from William G. Gaede III to Manvin S. Mayell, dated January 18, 2007.

6. Attached hereto as Exhibit D is a true and correct copy of a letter from Peter Fratangelo to William G. Gaede III, dated January 10, 2007.

Executed this 19<sup>th</sup> day of January 2007 at Boston, Massachusetts.

/s/ Keith E. Toms

Keith E. Toms

#### **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) and, due to the federal holiday, paper copies will be sent to those indicated as non-registered participants on the above-referenced date.

/s/ Keith E. Toms

Keith E. Toms

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