

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-12237 WGY
v.)	
)	
F. HOFFMANN-LA ROCHE)	
LTD., a Swiss Company, ROCHE)	
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
TO ENFORCE THE COURT'S DECEMBER 29, 2006 ORDER AND TO COMPEL THE FURTHER
PRODUCTION OF DOCUMENTS**

I, Deborah E. Fishman, declare as follows:

1. I am a partner at the law firm of Day Casebeer Madrid & Batchelder LLP, counsel for plaintiff Amgen, Inc. I am admitted to practice law before this Court (*pro hac vice*) and all of the Courts of the State of California.

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 the Court's Electronic Order on Amgen's Motion to Compel Production of Documents, dated December 29, 2006.

4. Attached hereto as [**Confidential**] Exhibit 2 is a true and correct copy of "Attachment 1: Key Agreements with FDA", bearing production numbers ITC-R-BLA-00000007-013.

5. Attached hereto as Exhibit 3 is a true and correct copy of an Investor Update on the Roche Website – "Roche officers the FDA additional Mircera data" that I had printed from Roche's website at <http://www.roche.com/inv-update-2006-12-15>.

6. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Deborah E. Fishman to Thomas F. Fleming, dated February 8, 2007.

7. Attached hereto as Exhibit 5 is a true and correct copy of a letter from Thomas F. Fleming to Deborah E. Fishman, dated February 9, 2007.

8. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Deborah E. Fishman to Thomas F. Fleming, dated January 23, 2007.

9. Attached hereto as Exhibit 7 is a true and correct copy of a letter from Deborah E. Fishman to Thomas F. Fleming, dated January 31, 2007.

10. Attached hereto as Exhibit 8 is a true and correct copy of a letter from Deborah E. Fishman to Howard Suh, dated December 11, 2006.

11. Attached hereto as Exhibit 9 is a true and correct copy of a Goldman Sachs Report, dated January 22, 2007.

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Deborah E. Fishman to Thomas F. Fleming, dated February 7, 2007.

13. Attached hereto as Exhibit 11 is a true and correct copy of a letter from Thomas F. Fleming to Deborah E. Fishman, dated February 2, 2007.

14. Attached hereto as Exhibit 12 is a true and correct copy of Roche's Responses and Objections to Amgen's Second Set of Requests for Production, dated February 9, 2007.

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

Dated: February 15, 2007

/s/ Deborah E. Fishman

Deborah E. Fishman