

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,

Plaintiff,

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.

Civil Action No.: 1:05-cv-12237 WGY

**DECLARATION OF WILLIAM G. GAEDE, III, IN SUPPORT OF
AMGEN INC.'S MOTION TO COMPEL A COMPLETE RESPONSE
TO INTERROGATORIES 9, 10, AND 11 TO ROCHE**

I, William G. Gaede, III, 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 Inc.'s Memorandum in Support of its Motion to Compel a Complete Response to Interrogatories 9, 10 and 11 to Roche. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.

3. Attached as Exhibit 1 is a true and correct copy of Interrogatory Nos. 9 through 11 from Plaintiff Amgen Inc.'s First Set of Interrogatories to Defendants (Nos. 1-15), dated December 11, 2006.

4. Attached as Exhibit 2 is a true and correct copy of pages from Defendants' Second Supplemental Responses and Objections to Plaintiff Amgen Inc.'s First Set of Interrogatories to Defendants (Nos. 1-15) that provide Roche's Response to Amgen's Interrogatory Nos. 9 through 11 and any supplements thereto, dated February 26, 2007.

5. Attached as Exhibit 3 is a true and correct copy of a letter from Deborah E. Fishman of Day Casebeer Madrid & Batchelder, to Pat Carson of Kaye Scholer, dated January 17, 2007.

6. Attached as Exhibit 4 is a true and correct copy of a letter from Deborah E. Fishman of Day Casebeer Madrid & Batchelder, to Pat Carson of Kaye Scholer, dated January 19, 2007.

7. Attached as Exhibit 5 is a true and correct copy of a letter from Deborah E. Fishman of Day Casebeer Madrid & Batchelder, to Thomas F. Fleming of Kaye Scholer, dated February 14, 2007.

8. Attached as Exhibit 6 is a true and correct copy of a letter from Deborah E. Fishman of Day Casebeer Madrid & Batchelder to Thomas F. Fleming of Kaye Scholer, dated February 23, 2007.

9. As of March 12, 2007, Roche has not responded in writing to the February 14 or February 23, 2007 letters from my co-counsel, Deborah E. Fishman, regarding Roche's Interrogatory Responses 9 through 11.

10. I understand from my co-counsel Deborah Fishman that in a verbal meet and confer Mr. Fleming informed her that Roche would not provide further supplemental responses to Amgen's Interrogatory Nos. 9 through 11.

11. On March 13, 2007, I sent an email to Roche's attorneys confirming Roche's position that it will not supplement Amgen's Interrogatory Nos. 9 through 11, as per the earlier verbal discussion.

12. Attached as Exhibit 7 is a true and correct copy of an email from William G. Gaede, III of McDermott, Will, & Emery to Thomas F. Fleming of Kaye Scholer and Julia Huston of Bromberg & Sunstein, dated March 13, 2007.

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 13th day of March 2007.


William G. Gaede, III

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