

**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 OPPOSITION TO DEFENDANTS' MOTION TO COMPEL
DEPOSITION TESTIMONY UNDER RULE 30(B)(6) AND CROSS-MOTION FOR A
PROTECTIVE ORDER**

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 Opposition to Defendants' Motion to Compel Deposition Testimony under Rule 30(b)(6). 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 Defendants' First Notice of Deposition to Amgen Pursuant to Rule 30(b)(6), dated February 9, 2007.

4. Attached as Exhibit 2 is a true and correct copy of a letter from William G. Gaede, III of McDermott, Will & Emery to Patricia A. Carson of Kaye Scholer, dated February 16, 2007.

5. Attached as Exhibit 3 is a true and correct copy of Plaintiffs' Objections to Defendants' First Notice of Deposition Pursuant to Rule 30(b)(6), dated February 23, 2007.

6. Attached as Exhibit 4 is a true and correct copy of a letter from William G. Gaede, III of McDermott, Will & Emery to Thomas F. Fleming of Kaye Scholer, dated February 28, 2007.

7. Attached as Exhibit 5 is a true and correct copy of a letter from William G. Gaede, III of McDermott, Will & Emery to Thomas F. Fleming of Kaye Scholer, dated March 1, 2007.

8. Attached as Exhibit 6 is a true and correct copy of a letter from William G. Gaede, III of McDermott, Will & Emery to Thomas F. Fleming and Patricia A. Carson of Kaye Scholer, dated March 6, 2007.

9. Attached as Exhibit 7 is a true and correct copy of a letter from William G. Gaede, III of McDermott, Will & Emery to Vladimir Drozdoff of Kaye Scholer, dated March 13, 2007.

10. Attached as Exhibit 8 is a true and correct copy of an email from Peter Fratangelo of Kaye Scholer to William G. Gaede, III of McDermott, Will & Emery, dated March 1, 2007.

11. Attached as Exhibit 9 is a true and correct copy of selected pages from Plaintiff's Supplemental Response to Defendants' First Set of Interrogatories (Nos. 1 - 12), dated February 10, 2007.

12. Attached as Exhibit 10 is a true and correct copy of a letter from Vladimir Drozdoff of Kaye Scholer to William G. Gaede, III of McDermott, Will & Emery, dated March 8, 2007.

13. Attached as Exhibit 11 is a true and correct copy of an email exchange between Peter Fratangelo of Kaye Scholer and William G. Gaede, III of McDermott, Will & Emery, dated March 15, 2007.

14. Attached as Exhibit 12 is a true and correct copy of Defendants' Third Set of Interrogatories (Nos. 19-40), dated March 2, 2007.

15. I am informed that the documents Amgen has produced related to the prosecution of Amgen's EPO patents and the European Opposition Proceedings amount to more than 120,000 pages.

16. I am similarly informed that the volume of laboratory notebooks Amgen has produced that pre-date 1985 comprises approximately 25,000 pages of material.

17. I am also informed that the Amgen EPO Patents have been involved in 52 proceedings in international courts and patent offices in 19 foreign countries. This involves more than 400,000 pages of documents and spans more than 18 years.

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 22th day of March 2007.

/s/ William G. Gaede, III
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