

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 AND DEPOSITION  
TESTIMONY UNDER RULE 30(b)(6) RELATING TO PEGYLATION AND ARANESP®**

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, and Deposition Testimony Under Rule 30(b)(6), Relating to Pegylation and Aranesp, dated March 23, 2007.

3. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 6,586,398, dated July 1, 2003.

4. Attached hereto as Exhibit B is a true and correct copy of a letter from William G. Gaede III to Patricia A. Carson, dated March 14, 2007.

5. Attached hereto as Exhibit C is a true and correct copy of a letter from William G. Gaede III to Peter Fratangelo, dated March 14, 2007.

6. Attached hereto as Exhibit D is a true and correct copy of Abstract #4364 from the 2003 American Society of Hematology Annual Meeting.

7. Attached hereto as Exhibit E is a true and correct copy of a letter from William G. Gaede III to Vladimir Drozdoff, dated March 9, 2007.

8. Attached hereto as Exhibit F is a true and correct copy of a letter from Patricia A. Carson to Deborah E. Fishman, dated March 12, 2007.

9. Attached hereto as Exhibit G is a true and correct copy of a letter from Peter Fratangelo to Deborah E. Fishman, dated March 12, 2007.

10. Attached hereto as Exhibit H is a true and correct copy of a letter from William G. Gaede III to Patricia A. Carson, dated March 6, 2007.

11. Attached hereto as Exhibit I is a true and correct copy of a letter from Hank Heckel to William G. Gaede III, dated March 19, 2007.

12. Attached hereto as Appendix A is a true and correct summary of Roche's Requests for Production that are relevant to this motion and Amgen's Answers thereto.

Executed this 23<sup>th</sup> day of March 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

3099/501 640637.1