

**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 STRIKE BELATEDLY DISCLOSED INVALIDITY AND
UNENFORCEABILITY ALLEGATIONS AND FOR MORE TIME TO RESPOND TO
ROCHE'S EXPERT REPORTS**

I, Deborah E. Fishman, declare as follows:

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

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 a letter from Aaron Hand to Peter Fratangelo, dated April 13, 2007.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Electronic Court Order dated March 28, 2007.

5. Attached hereto as Exhibit 3 is a true and correct copy of Roche's Supplemental Disclosure Statement.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Agreement to Abide by Protective Order signed by James W. Fisher.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Agreement to Abide by Protective Order signed by Dr. Daniel Shouval.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Agreement to Abide by Protective Order signed by Dr. Franklin Gaylis.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from Roche's Third Supplemental Privilege Log.

10. Attached hereto as Exhibit 8 is a true and correct copy of Roche's Supplemental Responses and Objections to Amgen's Third Set of Interrogatories.

11. Attached hereto as Exhibit 9 is a true and correct copy of Roche's Objections to Amgen's Fourth Notice of Deposition Pursuant to FRCP 30(b)(6).

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Deborah Fishman to Pat Carson, dated March 23, 2007.

13. Attached hereto as Exhibit 11 is a true and correct copy of Amgen's Fourth Notice of Deposition to Defendants Pursuant to FRCP 30(b)(6).

14. Attached hereto as Exhibit 12 is a true and correct copy of Roche's Supplemental Responses and Objections to Amgen's Third Set of Interrogatories.

15. Attached hereto as Exhibit 13 is a true and correct copy of Amgen's First Set of Interrogatories.

16. Attached hereto as Exhibit 14 is a true and correct copy of an electronic Court Order dated March 27, 2007.

17. Attached hereto as Exhibit 15 is a true and correct copy of Objections of Non-Party Franklin Gaylis to Amgen's Subpoena Duces Tecum.

18. Attached hereto as Exhibit 16 is a true and correct copy of Objections of Non-Party Dr. James Fisher to Amgen's Subpoena Duces Tecum.

19. Attached hereto as Exhibit 17 is a true and correct copy of a letter from Deborah Fishman to Pat Carson dated January 19, 2007.

20. Attached hereto as Exhibit 18 is a true and correct copy of Roche's Fifth Supplemental Privilege Log.

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

Signed this 13th day of April, 2007.

/s/ Deborah E. Fishman
Deborah E. Fishman