

**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 PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO ENFORCE
THE COURT'S MARCH 27, 2007, ORDER AND
TO COMPEL DEPOSITION TESTIMONY UNDER RULE 30(B)(6)
WITHHELD ON GROUNDS OF PRIVILEGE**

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 Enforce the Court's March 27, 2007, Order and To Compel Deposition Testimony Under Rule 30(b)(6) Withheld on Grounds of Privilege.
3. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.
4. Attached as Exhibit 1 is a true and correct copy of a letter from William G. Gaede, III, to Patricia A. Carson, dated March 6, 2007.
5. Attached as Exhibit 2 is a true and correct copy of selected pages from the deposition testimony of Stuart Watt, taken March 29, 2007.
6. Attached as Exhibit 3 is a true and correct copy of a letter from William G. Gaede, III, to Vladimir Drozdoff, dated March 13, 2007.

7. Attached as Exhibit 4 is a true and correct copy of selected pages from the deposition testimony of Fu-Kuen Lin, taken March 28, 2007.

8. Attached as Exhibit 5 is a true and correct copy of selected pages from the deposition testimony of Thomas Charles Boone, taken March 30, 2007.

9. Attached as Exhibit 6 is a true and correct copy of selected pages from the deposition testimony of Steven G. Elliott, taken March 29, 2007.

10. I was the attorney directing Amgen's efforts to respond to Roche's Rule 30(b)(6) deposition notice and its first motion to compel. In response to the Court's Order of March 27, 2007, directing Amgen to provide testimony on the subject of Aranesp[®] consistent with Roche Topics 9 and 10, and with Dr. Elliott's deposition already scheduled for March 29, 2007, it was Amgen's intention to designate Dr. Elliott on these topics. However, due to a miscommunication between my firm, McDermott Will & Emery LLP, and the Day Casebeer Madrid & Batchelder LLP firm, who would be defending the scheduled deposition for Amgen, it was not articulated to counsel for Roche that Dr. Elliott would be Amgen's designee relating to Aranesp[®] within the scope of Topics 9 and 10. As my review of Dr. Elliott's deposition transcript confirmed, at Dr. Elliott's deposition, Roche questioned him extensively on Aranesp[®], as well as on his prior testimony in another matter addressing that subject matter as well. To rectify the mistake of counsel not informing Roche's counsel that Dr. Elliott's testimony would likewise be the testimony of Amgen on the Topics, Amgen designates pages 13-29, 39-64, 70-93, 102-114, 119-122, 132-138, 148-151, 155-158, 181-185, 199-202, and 232 from Dr. Elliott's testimony as its testimony on Topics 9 and 10.

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 27th day of April 2007.

/s/ William G. Gaede
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.

	<u><i>/s/ Patricia R. Rich</i></u> Patricia R. Rich
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