

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,

Plaintiff,

vs.

F. HOFFMANN-LA ROCHE LTD;
ROCHE DIAGNOSTICS GmbH; and
HOFFMANN-LA ROCHE INC.

Defendants.

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF ALFRED H. HECKEL IN SUPPORT OF DEFENDANTS'
MOTION TO STRIKE INFRINGEMENT ALLEGATIONS IN AMGEN'S EXPERT
REPORTS ON WHICH AMGEN DID NOT PROVIDE DISCOVERY
AND TO PRECLUDE TESTIMONY**

I, Alfred H. Heckel, declare under penalty of perjury that:

1. I am an attorney at the law firm of Kaye Scholer LLP, counsel for Defendants in the above-referenced case, and am admitted to the Bar of the State of New York and before this Court (*pro hac vice*).
2. I make this declaration in support of the Defendants' Motion to Strike Infringement Allegations in Amgen's Expert Reports on Which Amgen Did Not Provide Discovery and Preclude Testimony, dated April 27, 2007.
3. Attached hereto as Exhibit A is a true and correct copy of portions of Amgen Inc.'s Objections and Responses to Defendants' First Set of Requests for the Production of Documents and Things (Nos. 1-123), dated December 4, 2006.

4. Attached hereto as Exhibit B is a true and correct copy of a letter from Howard Suh to Deborah Fishman, dated December 7, 2006.

5. Attached hereto as Exhibit C is a true and correct copy of a letter from William Gaede III to Howard Suh, dated December 13, 2006.

6. Attached hereto as Exhibit D is a true and correct copy of a letter from William Gaede III to Patricia Carson and Thomas Fleming, dated March 6, 2007.

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

8. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's Objections to Defendants' First Notice of Deposition Pursuant to Rule 30(b)(6), dated February 23, 2007.

9. Attached hereto as Exhibit G is a true and correct copy of a letter from me to William Gaede III, dated January 24, 2007.

10. Attached hereto as Exhibit H is a true and correct copy of a letter from William Gaede III to me, dated January 24, 2007.

11. Attached hereto as Exhibit I is a true and correct copy of a letter from me to William Gaede III, dated March 1, 2007.

12. Attached hereto as Exhibit J is a true and correct copy of a letter from William Gaede III to me, dated March 6, 2007.

Executed this 30th day of April 2007 at Boston, Massachusetts.

/s/ Alfred H. Heckel

Alfred H. Heckel

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 April 30, 2007.

/s/ Keith E. Toms

Keith E. Toms

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