

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 HOWARD SUH, ESO. IN SUPPORT OF DEFENDANTS’
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND
FAILURE TO STATE A CLAIM FOR WHICH RELIEF MAY BE GRANTED**

I, Howard S. Suh, hereby declare under penalty of perjury that:

1. I am an attorney admitted to the Bar of the State of New York and am counsel to the law firm of Kaye Scholer LLP, counsel for Defendants in the above captioned case.
2. I make this declaration in support of Defendants’ Motion To Dismiss For Lack of Subject Matter Jurisdiction and Failure to State a Claim for Which Relief May Be Granted, dated April 11, 2006.
3. Exhibit 1, attached hereto, is a true and correct copy of *The Pink Sheet*, Vol. 67, No. 45, p. 17, November 7, 2005.
4. Exhibit 2, attached hereto, is a true and correct copy of *Tufts Center for the Study of Drug Development, Impact Report* Vol. 7, No. 6, p. 4, November/December 2005.

5. Exhibit 3, attached hereto, is a true and correct copy of FDA CBER New Drug Approval Times located at <http://www.fda.gov/cber/products/apprtime.htm>, and printed on March 7, 2006.

6. Exhibit 4, attached hereto, is a true and correct copy of FDA CDER Approval Times for Priority and Standard NMEs and New BLAs Calendar Years 1993-2004 located at <http://www.fda.gov/cder/rdmt/NMEapps93-04.htm>, and printed on March 7, 2006.

7. Exhibit 5, attached hereto, is a true and correct copy of the webpage located at <http://www.fda.gov/cber/products/apprtime2.htm>, printed on March 7, 2006.

8. Exhibit 6, attached hereto, is a true and correct copy of the webpage located at <http://www.fda.gov/oc/pdufa/PDUFAIIIGoals.html>, and printed on March 24, 2006.

9. Exhibit 7, attached hereto, is a true and correct copy of a Reuters newswire dated March 1, 2006, entitled "Amgen's 'strategic intention' is to acquire - CEO".

10. Exhibit 8, attached hereto, is a true and correct copy of an article entitled "J&J, Amgen Caution on Anemia Drugs" by A. Chang, dated Dec.2, 2005, located at <http://www.thestreet.com/stocks/biotech/10255421.html>, and printed on March 7, 2006.

Dated: April 11, 2006

/s/ Howard Suh
Howard S. Suh

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 paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Julia Huston