

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 05-CV-12237 WGY
v.)	
)	
F. HOFFMANN-LAROCHE LTD.,)	
ROCHE DIAGNOSTICS GMBH, AND)	
HOFFMANN LAROCHE INC.,)	
)	
Defendants.)	

**DECLARATION OF MICHAEL R. GOTTFRIED IN SUPPORT OF AMGEN'S
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF
PERSONAL JURISDICTION (AND ALTERNATIVE REQUEST FOR LEAVE TO
TAKE JURISDICTIONAL DISCOVERY)**

I, Michael R. Gottfried, declare:

1. I am submitting this Declaration in support of Plaintiff Amgen, Inc.'s ("Amgen") opposition to Defendants' motions to dismiss for lack of personal jurisdiction. The statements of fact made herein are based on my firsthand knowledge or belief.

2. I am a partner in the law firm Duane Morris LLP, and I have filed an appearance in this action as counsel for Amgen.

3. Attached hereto as Exhibit A is a true and correct copy of the "Family Tree" for Roche Holding AG obtained from Hoovers Online (www.hoovers.com).

4. Attached hereto as Exhibit B is a true and correct copy of pages from the official trial transcript in *The Trustees of Columbia University in the City of New York v. Roche Diagnostics GmbH (formerly known as Boehringer Mannheim GmbH)*, Civ. No. 93-11512 NG (D. Mass.)

5. Attached hereto as Exhibit C is a true and correct copy of pages from the official trial transcript in *The Trustees of Columbia University in the City of New York v. Roche Diagnostics GmbH (formerly known as Boehringer Mannheim GmbH)*, Civ. No. 93-11512 NG (D. Mass.)

6. Attached hereto as Exhibit D is a true and correct copy of a "Roche – Corporate Media News" release entitled "Roche acquires Boehringer Mannheim Group" dated May 26, 1997.

7. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the Roche Group 2005 Annual Report pertaining to the Roche Group "Pharmaceutical Division."

8. Attached hereto as Exhibit F is a true and correct copy of a 2001 abstract from the "Committee For Proprietary Medicinal Products European Assessment Report (EPAR)," a committee organized by the "European Agency for the Evaluation of Medicinal Products."

9. Attached hereto as Exhibit G is a true and correct copy of pages printed from the National Cancer Institute website (www.cancer.gov), the Dana-Farber Cancer Institute website (www.dfci.harvard.edu), The Ohio State University Medical Center website (www.jamesline.com), St. Jude Children's Research Hospital website (www.stjude.org), and the Rare Cancer Alliance website (www.rare-cancer.org) concerning the definition of "Ro 50-3821," which is a synonym for Roche's PEG-EPO product.

10. Attached hereto as Exhibit H is a true and correct copy of pages printed from the Roche Group website (www.Roche-trials.com) pertaining to clinical trial protocol numbers BA16286, BA16736, BA16738, BA16739, BA16740, BA17284, and BH18387, which show seven PEG-EPO trials to have been conducted in Boston, Massachusetts and four PEG-EPO trials to have been conducted in Springfield, Massachusetts.

11. Attached hereto as Exhibit I is a true and correct copy of a poster presentation entitled "CERA (Continuous Erythropoiesis Receptor Activator), an innovative erythropoietic agent: dose-dependent response in phase I studies," that was presented at the American Society of Clinical Oncology 39th Annual Meeting 2003 in Chicago, Illinois.

12. Attached hereto as Exhibit J is a true and correct copy of the “Answer To Second Amended Complaint,” dated May 7, 2001, filed by Roche Diagnostics GmbH in *The Trustees of Columbia University in the City of New York v. Roche Diagnostics GmbH (formerly known as Boehringer Mannheim GmbH)*, Civ. No. 93-11512 NG (D. Mass.)

13. Attached hereto as Exhibit K is a true and correct copy of a page printed from Amgen Inc.’s website (www.amgen.com), describing Amgen’s facility in Cambridge, Massachusetts.

14. Attached hereto as Exhibit L is a true and correct copy of a poster presentation entitled “Pre-clinical Pharmacokinetics and Pharmacodynamics of CERA (Continuous Erythropoiesis Receptor Activator) Indicate a Superior New Therapy for Anemia,” that was presented at the American Society of Hematology 44th Annual Meeting 2002 in Philadelphia, Pennsylvania, and an abstract of a presentation, entitled “Pre-clinical and Phase I pharmacokinetic and mode-of-action studies of CERA (continuous erythropoiesis receptor activator), a novel erythropoietic agent with an extended serum half-life,” that was presented at the American Society of Clinical Oncology 2003 national meeting in Chicago, Illinois.

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

Signed this 25th day of April, 2006.

s/ Michael R. Gottfried
Michael R. Gottfried (BBO#542156)

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 and paper copies will be sent to those indicated as non-registered participants on April 25, 2006.

/s/ Michael R. Gottfried