

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff and Counterclaim-Defendant,)	
)	Civil Action No. 05-12237 WGY
v.)	
)	
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GmbH,)	
and HOFFMANN-LA ROCHE INC.)	
)	
Defendants and Counterclaim-Plaintiffs.)	
_____)	

**DECLARATION OF STEVEN PLATT IN SUPPORT OF ROCHE’S OPPOSITION TO
AMGEN’S MOTION FOR SUMMARY JUDGMENT ON ROCHE’S
ANTITRUST AND STATE LAW COUNTERCLAIMS**

I, Steven Platt, declare as follows:

1. I am Senior Financial Manager at Hoffmann-La Roche Inc. (“Roche”). I make this declaration in support of Roche’s opposition to Amgen’s Motion for Summary Judgment On Roche’s Antitrust and State Law Counterclaims.

2. Roche creates financial analyses for its products that estimate the financial contribution of those products to Roche. One of these analyses is an OPAC statement -- OPAC stands for operating profit after capital charge. The OPAC statements are created to provide Roche management an estimate of the economic value associated with a brand.

3. OPAC statements have been created for Mircera™ based on projections of sales and costs. The OPAC statements for Mircera™ are subdivided into statements for the dialysis

market (i.e., uses of Mircera™ by dialysis patients), and the non-dialysis market (i.e., uses of Mircera™ by patients with chronic kidney disease and oncology-related anemia) based upon allocations of, as applicable, budgeted, actual and anticipated costs and revenues.

4. One of the cost categories in the OPAC statements is Marketing and Distribution costs, also known as M&D costs. The M&D category includes various costs associated with the marketing and distribution of a product. M&D costs are broken down into four subcategories that will be explained below: 1) M1 costs, 2) Field Force Direct costs, 3) Field Force Indirect costs, and 4) Other M&D costs.

5. M1 costs include specific promotion, product support, reimbursement assistance, training and other marketing-related costs related to the brand.

6. FF Direct costs are direct expenses associated with the field sales force and medical liaisons (the “field force”), including salaries, benefits, bonuses, vehicles, and travel costs. Medical liaisons work in the field to provide direct clinically-related support to Mircera™ customers. FF Direct costs also include the costs of meetings for the field force.

7. FF Indirect costs include the allocated costs of Roche departments that support the Mircera™ brand. The allocation is made based on overall headcount among six therapeutic categories at Roche, and further broken down, if necessary, based on number of sales calls. Because Mircera™ is the only brand in the anemia therapeutic category, no further breakdown beyond that based on headcount is necessary. FF Indirect costs for Mircera™ include an allocated share of the costs in the following principal areas:

- a) account management -- account managers interface with larger accounts, such as managed care organizations and group purchasing organizations, about multiple brands;
- b) technological support -- costs associated with technical support for the Mircera™ field force, including laptops, handheld electronic devices and related support;
- c) medical needs and educational programs -- administration of Roche's program to provide free goods to individual patients and Roche's educational programs;
- d) sales analysis and targeting, sales administration, meeting planning, and training and development -- areas at Roche that analyze the operations of the field force, plan field force meetings and train the field force.

8. Other M&D costs include other expenses at Roche associated with the brand. The more significant categories of Other M&D expenses include the costs of:

- a) distribution of Mircera™;
- b) internal personnel on the Mircera™ marketing team, including salaries, benefits and travel expenses;
- c) medical affairs personnel;
- d) marketing support personnel, including reimbursement specialists, market analytics personnel; contract administrators and managers, and other support functions;
- e) inventory write-offs for expired product and bad debt adjustments.

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

Executed this 18 day of June 2007 at Nutley, New Jersey

/s/ Steven Platt
Steven Platt

CERTIFICATE OF SERVICE

I hereby certify that a redacted version of this document was filed through the ECF system and was sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies were sent to those indicated as non-registered participants on June 29, 2007.

/s/ Kregg T. Brooks
Kregg T. Brooks

03099/00501 710777.1