

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 ROCHE’S MOTION FOR
LEAVE TO AMEND ITS PLEADINGS TO CONFORM TO THE EVIDENCE**

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

1. I am an attorney admitted to the Bar of the State of New York and before this Court (*pro hac vice*). I am an attorney at the law firm of Kaye Scholer LLP, counsel for Defendants in the above-referenced case.

2. I make this declaration in support of Roche’s Motion To Amend Its Pleadings To Conform To The Evidence, dated July 5, 2007.

3. Attached hereto as Exhibit A is a true and correct copy of portions of Roche’s Supplemental Objections and Responses to Amgen’s Interrogatory No. 26, dated April 2, 2007.

4. Attached hereto as Exhibit B is a true and correct copy of portions of Defendants’ Responses and Objections to Plaintiff Amgen Inc.’s First Set of Interrogatories to Defendants (Nos. 1-15), dated January 11, 2007

5. Attached hereto as Exhibit C is a true and correct copy of portions of Defendants' Responses and Objections to Plaintiff Amgen Inc.'s Third Set of Interrogatories to Defendants (No. 26), March 14, 2007.

Executed this 5th day of July 2007 at New York, NY.

/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 the above-referenced date.

/s/ Thomas F. Fleming

Thomas F. Fleming

EXHIBITS A, B AND C

The filing of these confidential documents has been deferred pursuant to the provisions of the Court's Order entered on 02/07/07 [274].