

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,

Plaintiff,

v.

F. HOFFMANN-LAROCHE LTD., a Swiss
Company, ROCHE DIAGNOSTICS GmbH,
a German Company and HOFFMANN
LAROCHE INC., a New Jersey Corporation,

Defendants.

05-CV-12237-WGY

Hon. William G. Young

SUPPLEMENTAL DECLARATION OF STEVEN A. ZALESIN

STEVEN A. ZALESIN, under penalty of perjury, declares as follows:

1. I am an attorney admitted to practice in the State of New York and am a member at Patterson Belknap Webb & Tyler LLP, co-counsel to plaintiff Ortho Biotech Products, L.P. (“Ortho”). I have personally advised Ortho on litigation and related matters concerning Ortho’s relationship with plaintiff Amgen, Inc. (“Amgen”), and with respect to Ortho’s erythropoietin product, Procrit[®], for more than 15 years. I make this declaration, based upon my personal knowledge, in support of Ortho’s Motion To Intervene in this action.

2. Ortho and Amgen are parties to a Product License Agreement (“PLA”), dated September 30, 1985, pursuant to which Ortho holds certain rights under Amgen’s patents concerning recombinant human erythropoietin. A true and correct copy of the entire PLA with only one term redacted – the royalty rate that Ortho pays Amgen for sales of EPO within its exclusive field of use – is attached hereto as Exhibit A.

3. A true and correct copy of Amgen, Inc.'s 1986 Annual Report is attached hereto as Exhibit B.

Executed at New York, New York this 1st day of May, 2006.



Steven A. Zalesin