

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
AMGEN, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A. No. 05-12237-WGY
F. HOFFMAN-LA ROCHE LTD., a Swiss	)	
Company, ROCHE DIAGNOSTICS GmbH, a	)	
German Company, and HOFFMAN-LA ROCHE	)	
INC., a New Jersey Corporation	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF JAMES M. FRASER IN SUPPORT  
OF AMGEN'S MOTION FOR SUMMARY JUDGMENT ON  
ROCHE'S ANTITRUST AND STATE LAW COUNTERCLAIMS**

**REPLY**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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AMGEN, INC.		)	
		)	
Plaintiff,		)	
		)	
v.		)	
		)	C.A. No. 05-12237-WGY
F. HOFFMAN-LA ROCHE LTD., a Swiss		)	
Company, ROCHE DIAGNOSTICS GmbH, a		)	
German Company, and HOFFMAN-LA ROCHE		)	
INC., a New Jersey Corporation		)	
		)	
Defendants.		)	
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**DECLARATION OF JAMES M. FRASER IN SUPPORT  
OF AMGEN’S MOTION FOR SUMMARY JUDGMENT ON  
ROCHE’S ANTITRUST AND STATE LAW COUNTERCLAIMS**

**REPLY**

I, James M. Fraser, hereby declare under penalty of perjury that I am an attorney admitted to practice in the Commonwealth of Massachusetts, and am associated with the law firm of McDermott Will & Emery LLP, counsel for Plaintiff Amgen, Inc. in the above-captioned case. I submit this declaration in support of Amgen’s Motion for Summary Judgment on Defendants’ Antitrust and State Law Counterclaims. Attached hereto are true and correct copies of exhibits cited in the Reply Memorandum of Law in Support of Amgen’s Motion for Summary Judgment and in Amgen’s Statement of Undisputed Material Facts Pursuant to Local Rule 56.1.

1-44. Exhibits 1 to 44 submitted in support of Amgen’s Motion for Summary Judgment on Defendants’ Antitrust and State Law Counterclaims are contained in the Declaration of James

M. Fraser in Support of Amgen's Motion for Summary Judgment on Roche's Antitrust and State Law Counterclaims submitted on June 15, 2007, along with Amgen's motion.

45. Exhibit 45 hereto is a true and correct copy of excerpts from the Expert Report of B. Douglas Bernheim, Ph.D. (Amgen's economics expert) in the above-captioned case.

46. Exhibit 46 hereto is a true and correct copy of excerpts from the Rebuttal Report of B. Douglas Bernheim, Ph.D. (Amgen's economics expert) in the above-captioned case.

47. Exhibit 47 hereto is a true and correct copy of excerpts from the Expert Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.

48. Exhibit 48 hereto is a true and correct copy of an Demonstrative Number 11 from the Expert Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.

49. Exhibit 49 hereto is a true and correct copy of excerpts from the Rebuttal Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.

50. Exhibit 50 hereto is a true and correct copy excerpts from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.

51. Exhibit 51 hereto is a true and correct copy of excerpts from the deposition of George Abercrombie (Roche's President and CEO in the United States) in the above-captioned case.

52. Exhibit 52 hereto is a true and correct copy of excerpts from the deposition of Sonders Beimfohr (Roche's Director of Strategic Pricing, Renal Segment) in the above-captioned case.

53. Exhibit 53 hereto is a true and correct copy of excerpts from the deposition of Einer Elhauge (Roche's economics expert) in the above-captioned case.

54. Exhibit 54 hereto is a true and correct copy of excerpts from the deposition of John Keefe (Roche's ESRD Product Director) in the above-captioned case.

55. Exhibit 55 hereto is a true and correct copy of excerpts from the deposition of Chrys Kokino (Roche's Vice President of Anemia Products) in the above-captioned case.

56. Exhibit 56 hereto is a true and correct copy of excerpts from the deposition of Lauren J. Stiroh (Roche's damages expert) in the above-captioned case.

Dated: July 9, 2007

/s/ James M. Fraser

James M. Fraser

**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.

*/s/ Michael R. Gottfried* \_\_\_\_\_

Michael R. Gottfried