

# **EXHIBIT 51**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS  
3 Civil Action No. 05-12237 WGY  
4

AMGEN, INC., ) DEPOSITION OF:  
5 ) GEORGE ABERCROMBIE  
Plaintiff )  
6 )  
vs. ) \*\*HIGHLY CONFIDENTIAL\*\*  
7 ) \*\*\*RESTRICTED ACCESS\*\*\*  
F. HOFFMANN-LA ROCHE LTD., a )  
8 Swiss Company, ROCHE )  
DIAGNOSTICS GmbH, a German )  
9 Company, and HOFFMANN-LA )  
ROCHE, INC., A New Jersey )  
10 Corporation, )  
11 Defendants. )

12 TRANSCRIPT of the stenographic notes of the  
13 proceedings in the above-entitled matter, as taken by and  
14 before MARGARET M. REIHL, RPR, CRR, CSR, Notary Public, held  
15 at the offices of GIBBONS, One Gateway Center, Newark, New  
16 Jersey, on Thursday, March 22, 2007, commencing at 9:02 a.m.  
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18

(This transcript has been designated  
19 as Highly Confidential as per the Amended  
Protective Order in this matter. Please  
20 treat the entire transcript in accordance  
with the Protective Order.)  
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1 I'm familiar with the names, I can't place the name  
2 with a specific meeting so I just -- I can't remember.

3 Q. Okay. Apart from meetings with DaVita, have  
4 you had any discussions or telephone conversations or  
5 correspondence exchanged between you and DaVita over  
6 the last several years?

7 A. My recollection is I had one face-to-face  
8 meeting with Kent Thiery and then I think I may have  
9 had -- I did have a follow-up phone call with Kent  
10 Thiery and my recollection is that is the extent to  
11 the meetings. And I've done the same with Ben Lipps  
12 at Fresenius. So both -- you know, both DaVita and  
13 Fresenius are very important future customers to us  
14 when MIRCERA is available.

15 Q. Okay. And tell me everything that you recall  
16 with respect to what Mr. Thiery told you with respect  
17 to his intentions about purchasing MIRCERA.

18 A. My recollection of the meeting was that he did  
19 not talk about that topic, rather it was a get -- meet  
20 and greet session. I asked for the meeting. It turns  
21 out we were both in business school together and  
22 remembered that once we saw each other, and it was  
23 simply a meeting for me to say, you know, I want you  
24 to put a face with a name, you know, we have a product  
25 at the FDA, when that product is approved you will

1 likely -- you will be a very important customer for  
2 us. And, you know, same is true with Ben Lipps, when  
3 I met with him. We did not get into discussing the  
4 product or what their intent or -- was, it was simply  
5 a meet and greet, you know, you're a very important --  
6 you will be a very important customer to us. No more,  
7 no less.

8 Q. Okay. What percentage of the sales that are  
9 currently forecasted in your 2007 business plan are  
10 attributable to purchases by DaVita?

11 MS. BEN-AMI: Objection.

12 THE WITNESS: I don't remember. I  
13 don't remember what percent are DaVita, Fresenius, I  
14 don't remember.

15 BY MR. DAY:

16 Q. Okay. Well, do you recall that in 2008 over  
17 25 percent of all products sold is projected to be  
18 sold to DaVita?

19 MS. BEN-AMI: Objection.

20 THE WITNESS: Again, I can't remember.  
21 I think what's important is DaVita, Fresenius, large,  
22 small dialysis centers are all going to be targeted  
23 customers for us when we launch and sell MIRCERA. I  
24 can't remember what any specific assumptions may or  
25 could have been in any forecast at a point in time.