

EXHIBIT 53

1 Volume I, Pages 1-217, Exhibits: 1-9
2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MASSACHUSETTS
4 Civil Action No. 05 Civ. 12237 WGY
5 -----

6 AMGEN INC.

7
8 Plaintiff

9 vs.

10 F. HOFFMAN-LA ROCHE LTD.,
11 ROCHE DIAGNOSTICS GmbH, and
12 HOFFMANN-LA ROCHE INC.

13 Defendants
14 -----

15 TRANSCRIPT DESIGNATION:

16 CONTAINS CONFIDENTIAL INFORMATION
17 SUBJECT TO A PROTECTIVE ORDER

18 VIDEOTAPED DEPOSITION OF EINER R. ELHAUGE, J.D.
19 Friday, May 25, 2007, 9:17 a.m.
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22 Boston, Massachusetts

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25 JOAN M. CASSIDY, RPR/CRR

1 school other than they may be students?

2 A. Yes, they are students I happen to know
3 from school, and basically I ask my students whether
4 they are interested in doing work for me as a
5 research assistant; and some of them have signed up
6 to do assistant work on academic projects and some
7 on consulting projects. The ones who wanted to do
8 consulting work I referred over to Ken Reinker at
9 Criterion Economics.

10 Q. And do they become employees of Criterion?

11 A. They become independent contractors of
12 Criterion or with Criterion.

13 Q. Do they get school credit for doing this?

14 A. No.

15 MR. POPOFSKY: How are you doing? Do
16 you need a break, or are you happy to forge ahead
17 for a little while?

18 THE WITNESS: I could forge ahead for a
19 bit.

20 Q. Professor Elhauge, you don't have an
21 economics degree, correct?

22 A. No, I have some course work in economics
23 but no economics degree.

24 Q. How many -- what courses have you taken in
25 economics?

1 A. I have taken microeconomics,
2 macroeconomics, law and economics, antitrust, which
3 at least as taught by Professor Areeda was largely
4 antitrust economics, maybe another seminar I'm
5 forgetting right now.

6 Q. Did you take microeconomics as an
7 undergraduate?

8 A. Yes.

9 Q. And did you take macroeconomics as an
10 undergraduate?

11 A. Yes.

12 Q. The law and econ and antitrust, were they
13 both taken in law school?

14 A. Yes, they were, at Harvard Law School.

15 Q. Did the people who taught the law -- did
16 the person -- who taught the law and economics
17 course?

18 A. Professor Shavell.

19 Q. Was Professor Shavell an economist?

20 A. Yes, he's a Ph.D. in economics.

21 Q. Was there -- was Professor Areeda an
22 economist?

23 A. Yes. He was not a Ph.D. in economics, but
24 he clearly had an expertise in antitrust economics.

25 Q. Did he have a degree in economics?

1 A. No.

2 Q. Do you recall what grade you got in
3 microeconomics?

4 A. An A.

5 Q. In macroeconomics?

6 A. An A.

7 Q. Law and economics?

8 A. An A.

9 Q. And antitrust law?

10 A. An A plus.

11 Q. Did any of those courses teach economic
12 modeling?

13 MR. POPOFSKY: Objection, vague as to
14 "economic modeling," but you can answer.

15 Q. Let me -- if I can rephrase that. I'm
16 interested in knowing whether the courses -- not
17 whether they had you look at economic models, but
18 whether there was instruction on how to actually
19 create them.

20 A. Well, I would say it's hard to separate out
21 the two. I mean, you learn by seeing how they are
22 done. Micro and macroeconomics clearly are focused
23 on models. Law and economics was focused on models
24 and in fact having you do your own models of
25 problems and carrying out the economic analysis of

1 them. Antitrust used conceptual models to
2 understand issues, but was not as focused
3 on mathematical or graphical models, if that's what
4 you mean.

5 Q. Have you -- you haven't taken a course in
6 industrial organization?

7 A. No, I have not.

8 Q. Other than the four courses that you've
9 discussed, are there other -- which you took in law
10 school or undergrad, are there other courses that
11 you have taken in economics?

12 A. I don't recall any right now. (Witness
13 reviews document.)

14 Q. I believe that you -- your report says that
15 you attend workshops on topics of economic analysis
16 of law?

17 A. Yes.

18 Q. Are they presented in -- for lawyers or for
19 economists?

20 A. For both. We have two workshops that are
21 designed for both lawyers and economists, one the
22 law and econ -- general law and economics workshop,
23 and the other is a more technical law and economics
24 workshop, but both of them are designed for both
25 lawyers and economists.