

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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AMGEN INC., )  
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 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 F. HOFFMANN-LA ROCHE LTD, )  
 ROCHE DIAGNOSTICS GMBH, )  
 and HOFFMANN-LA ROCHE INC., )  
 )  
 Defendants. )

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CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF MANVIN S. MAYELL IN  
SUPPORT OF ROCHE’S MEMORANDUM IN OPPOSITION TO  
AMGEN’S MOTION TO EXCLUDE THE  
EXPERT TESTIMONY OF LAUREN J. STIROH**

I, Manvin S. Mayell, hereby declare that:

1. I am an attorney admitted to practice in this Court pro hac vice and an associate with the law firm of Kaye Scholer LLP, counsel for defendants F. Hoffmann-La Roche LTD, Roche Diagnostics GmbH, and Hoffmann-La Roche Inc (“Roche”). I am submitting this declaration in support of Roche’s Opposition to Amgen’s Motion to Exclude the Expert Testimony of Lauren J. Stiroh.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Patricia Rocha-Tramaloni, Esq.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Declaration of Susan Graf.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the Docket Sheet in *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 97-10814-WGY, United States District Court, District of Massachusetts.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from a document titled, February 8, 2006 CRB, with bates numbers AM44 0007126 - AM44 0007166, produced in the course of this litigation by Amgen.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from a document titled, February 6, 2006 Final Presentation, with bates numbers AM44 0007864 - AM44 0007933, produced in the course of this litigation by Amgen.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from a document titled, June 11, 2003 CRB Meeting, Project CAT Update on Roche / Peg Epoetin Beta (CERA), with bates numbers AM44 0011388 - AM44 0011416, produced in the course of this litigation by Amgen.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from a document titled, June 2004 Cross-Functional CI Team, with bates numbers AM44 0094966 - AM44 0095013, produced in the course of this litigation by Amgen.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from a document titled, March 23, 2006 NACO Operating Review Storyboard, with bates numbers AM44 0231755 - AM44 0231777, produced in the course of this litigation by Amgen.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from a document titled, April 26, 2006 Developing a Broader and Bolder Partnership with FMC, with bates numbers AM44 0392145 - AM44 0392211, produced in the course of this litigation by Amgen.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from a May 4, 2006 E-Mail from Henry Rath, with bates numbers AM44 1027895 - AM44 1027896, produced in the course of this litigation by Amgen.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from a document titled, Major Drivers of Economic Impact of Proposed FMS Contract, with bates numbers AM44 1516866 - AM44 1516876, produced in the course of this litigation by Amgen.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from a June 16, 2006 E-Mail from Dave Wasiolek, with bates number AM44 1934907, produced in the course of this litigation by Amgen.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from a document titled, Amgen Potential Revenue Loss in '07-'11, with bates number AM44 1934908, produced in the course of this litigation by Amgen.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from a February 8, 2007 E-Mail from Nancy Sayre, with bates numbers AM44 1951163 - AM44 1951164, produced in the course of this litigation by Amgen.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from a January 10, 2007 E-Mail from Phil Marinelli, with bates numbers AM44 2024361 - AM44 2024364, produced in the course of this litigation by Amgen.

17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the Amgen March 31, 2007 Form 10-Q.

18. Exhibit 17 has been intentionally left blank.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from a document titled, March 1, 2007, 2007 MIRCERA Business Plan, with bates numbers R11-000637988 - R11-000638017, produced in the course of this litigation by Roche.

20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from a document titled, October 1, 2006, Sourcing & Supply Agreement, with bates numbers FMCNA 002516 - FMCNA 002539, produced in response to a subpoena in the course of this litigation by Fresenius.

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from a July 2, 2006 E-Mail from Rob Stillwell, with bates number FMCNA 002859, produced in response to a subpoena in the course of this litigation by Fresenius.

22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the April 6, 2007 Expert Report of B. Douglas Bernheim.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the May 11, 2007 Expert Rebuttal Report of B. Douglas Bernheim.

24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the April 6, 2007 Expert Report of Lauren Stiroh.

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the May 11, 2007 Expert Report of David J. Teece.

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the March 22, 2007 transcript of the deposition of George Abercrombie.

27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the March 23, 2007 transcript of the deposition of Robert Azelby.

28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from the March 20, 2007 transcript of the deposition of Sonders Beimfohr.

29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the May 30, 2007 transcript of the deposition of B. Douglas Bernheim.

30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the March 13, 2007 transcript of the deposition of Suzann Duncan.

31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the May 25, 2007 transcript of the deposition of Einer Elhauge.

32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the March 30, 2007 transcript of the deposition of Richard Hinson.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from the April 2, 2007 transcript of the deposition of Dennis Kogod.

34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from a March 21, 2007 letter from Dennis Kogod to Leslie Mirani, with bates number DVA-Roche 0002000, which was marked as Exhibit 2 to the April 2, 2007 transcript of the deposition of Dennis Kogod.

35. Attached hereto as Exhibit 34 is a true and correct copy of excerpts from the March 22, 2007 transcript of the deposition of Alex Lyons.

36. Attached hereto as Exhibit 35 is a true and correct copy of excerpts from the March 30, 2007 transcript of the deposition of Robert McGorty.

37. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from the April 2, 2007 transcript of the deposition of Leslie Mirani.

38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from the March 26, 2007 transcript of the deposition of George Morrow.

39. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the March 29, 2007 transcript of the deposition of Peter Schupbach.

40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the March 27, 2007 transcript of the deposition of Kevin Sharer.

41. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from a document titled, February 8, 2007 Amgen at Merrill Lynch Global Pharmaceutical, Biotechnology and Medical, which was marked as Exhibit 11 to the March 27, 2007 deposition of Kevin Sharer.

42. Attached hereto as Exhibit 41 is a true and correct copy of excerpts from the May 31, 2007 transcript of the deposition of Lauren Stiroh.

43. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from a document titled, January 24, 2007 Epogen/Aranesp Non Onc 2007-09 Revenue Plan Update, with bates numbers AM44 1951328 - AM44 1951333, which was marked as Exhibit 6 to the May 31, 2007 deposition of Lauren Stiroh.

44. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the June 7, 2007 transcript of the deposition of David Teece.

45. Attached hereto as Exhibit 44 is a true and correct copy of excerpts from the March 20, 2007 transcript of the deposition of Helen Torley.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of July 2007 at New York, N.Y.

/s/ Manvin S. Mayell

Manvin S. Mayell

**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 paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Keith E. Toms

Keith E. Toms

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