

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD,)	
ROCHE DIAGNOSTICS GMBH,)	
AND HOFFMANN-LA ROCHE INC.,)	
)	
Defendants.)	

**SUPPLEMENTAL DECLARATION OF DAVID L.
COUSINEAU IN FURTHER SUPPORT OF ROCHE’S OPPOSITION
TO AMGEN’S MOTION FOR SUMMARY JUDGMENT ON
ROCHE’S ANTITRUST AND STATE LAW COUNTERCLAIMS**

I, David L. Cousineau, 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 supplemental declaration in further support of Roche’s Opposition to Amgen’s Motion for Summary Judgment on Roche’s Antitrust and State Law Counterclaims (Docket No. 586) (“Roche’s Summary Judgment Opposition”).

2. On Thursday July 12, 2007, Amgen produced 10 documents totaling 68 pages that it had not produced during discovery. Attached below are four of those newly-produced documents that are relevant to Roche’s Summary Judgment Opposition, along with a document produced during discovery by a third party that is relevant in light of Amgen’s newly-produced documents.

3. Attached as Exhibit 257 is a true and correct copy of a document bates numbered AM44 2024585 - AM44 2024588 as produced by Amgen on July 12, 2007.

4. Attached as Exhibit 258 is a true and correct copy of a document bates numbered FMCNA 002474 as produced in the course of this litigation by Fresenius in response to a subpoena.

5. Attached as Exhibit 259 is a true and correct copy of a document bates numbered AM44 2024592 - AM44 2024596 as produced by Amgen on July 12, 2007.

6. Attached as Exhibit 260 is a true and correct copy of a document bates numbered AM44 2024597 as produced by Amgen on July 12, 2007.

7. Attached as Exhibit 261 is a true and correct copy of excerpts from a document bates numbered AM44 2024598 - AM44 2024627 as produced by Amgen on July 12, 2007.

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

Executed this 15th day of July 2007 at Washington, D.C.

/s/ David L. Cousineau
David L. Cousineau

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 July 16, 2007.

/s/ Kimberly J. Seluga
Kimberly J. Seluga

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