

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN, INC.,

Plaintiff,

v.

F. HOFFMANN-LA ROCHE, LTD.,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE, INC.

Defendants.

Civil Action No. 05-CV-12237 WGY

**AMGEN'S NOTICE OF FILING WITH CLERK'S OFFICE OF AMENDED EXHIBITS
PREVIOUSLY SUBMITTED IN SUPPORT OF AMGEN'S MOTION FOR SUMMARY
JUDGMENT ON ROCHE'S ANTITRUST AND STATE LAW COUNTERCLAIMS**

Pursuant to CMF/ECF Administrative Procedures Rule M(6), notice is hereby given that the exhibits listed below to the Declarations of James M. Fraser (DN 521 and DN 669) in Support of Amgen's Motion for Summary Judgment on Roche's Antitrust and State Law Counterclaims have been manually filed with the Court and are available in paper form only.¹

The original documents are maintained in the case file in the Clerk's Office.

- Exhibit 1 A true and correct copy of the March 30, 2007 Memorandum and Order in the above-captioned case.
- Exhibit 2 A true and correct copy of excerpts from Defendant's Responses and Objections to Plaintiff Amgen Inc.'s Fourth Set of Interrogatories (Nos. 27-38) in the above-captioned case.
- Exhibit 3 A true and correct copy of Defendants' Surreply to Amgen's Reply Brief in Support of its Motion to Dismiss Roche's Counterclaim Counts I-IX and XII in the above-captioned case.

¹ The original exhibits to the Declarations of James M. Fraser were previously filed and/or submitted to the Court for *in camera* review on June 15, 2007 and July 9, 2007 respectively, and in some instances have been amended to omit portions unnecessary for the Court's determination of the present motion.

- Exhibit 4 A true and correct copy of the Declaration of Mats Wahlstrom, President of Fresenius Medical Care's services division in North America (May 31, 2007).
- Exhibit 5 A true and correct copy of excerpts from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 6 A true and correct copy of Exhibit 2 from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 7 A true and correct copy of Exhibit 3 from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 8 Is intentionally left blank.
- Exhibit 9 A true and correct copy of Exhibit 5 from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 10 A true and correct copy of Exhibit 9 from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 11 A true and correct copy of Exhibit 14 from the Expert Report of David J. Teece, Ph.D. (Amgen's economics expert) in the above-captioned case.
- Exhibit 12 A true and correct copy of excerpts from the Expert Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 13 A true and correct copy of excerpts from the Report of Lauren J. Stiroh (Roche's damages expert) in the above-captioned case.
- Exhibit 14 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.
- Exhibit 15 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.
- Exhibit 16 A true and correct copy of excerpts from the deposition of Suzann Duncan (Roche's Product Director, Commercial Operations) in the above-captioned case.
- Exhibit 17 A true and correct copy of excerpts from the deposition of Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 18 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.
- Exhibit 19 A true and correct copy of excerpts from the deposition of Fred Manak (Amgen's Executive Director of Trade, Pricing, and Contract Management) in the above-captioned case.

- Exhibit 20 A true and correct copy of excerpts from deposition of Robert J. McGorty (Fresenius Medical Service's Vice President of Finance and Administration) in the above-captioned case.
- Exhibit 21 A true and correct copy of excerpts from the deposition of Anthony Messina (Executive Director, Renal Services for St. Joseph Hospital and Board Member of Renal Purchasing Group) in the above-captioned case.
- Exhibit 22 A true and correct copy of excerpts from the deposition of Maureen Michael (Executive Director, Central Florida Kidney Centers) in the above-captioned case.
- Exhibit 23 A true and correct copy of excerpts from the deposition of Leslie Mirani (Amgen's Vice President, Nephrology Sales) in the above-captioned case.
- Exhibit 24 A true and correct copy of excerpts from the deposition of Tracey Mooney (CFO, Independent Dialysis Foundation) in the above-captioned case.
- Exhibit 25 A true and correct copy of excerpts from the deposition of Barbara Senich (Roche's Vice President of Sales and Marketing Services) in the above-captioned case.
- Exhibit 26 A true and correct copy of excerpts from the deposition of Lauren J. Stiroh (Roche's damages expert) in the above-captioned case.
- Exhibit 27 A true and correct copy of an excerpt of Exhibit 2 from the deposition of Sonders Beimfohr (Roche's Director of Strategic Pricing, Renal Segment) in the above-captioned case.
- Exhibit 28 A true and correct copy of an excerpt of Exhibit 4 from the deposition of Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 29 A true and correct copy of Exhibit 9 from the deposition of Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 30 A true and correct copy of an excerpt of Exhibit 5 from the deposition of John Keefe (Roche's ESRD Product Director) in the above-captioned case.
- Exhibit 31 A true and correct copy of an excerpt of Exhibit 23 from the deposition of Helen Torley, M.D. (Amgen's Vice President and General Manager, Nephrology Division) in the above-captioned case.
- Exhibit 32 A true and correct copy of an excerpt of a document Bates stamped R000261907 to R000261941 produced in the above-captioned case.
- Exhibit 33 A true and correct copy of an excerpt of a document Bates stamped R003852422 to R003852455 produced in the above-captioned case.
- Exhibit 34 A true and correct copy of an excerpt of a document Bates stamped R000185374 to R000185445 produced in the above-captioned case.

- Exhibit 35 A true and correct copy of an excerpt of a document Bates stamped R005233499 to R005233551 produced in the above-captioned case.
- Exhibit 36 A true and correct copy of an excerpt of a document Bates stamped R003787786 to R003787900 produced in the above-captioned case.
- Exhibit 37 A true and correct copy of an excerpt of a document Bates stamped R10-004974841 to R10-004975230 produced in the above-captioned case.
- Exhibit 38 A true and correct copy of an excerpt of a document Bates stamped AM47 092831 to AM47 092892 produced in the above-captioned case.
- Exhibit 39 A true and correct copy of a document Bates stamped FMCNA 002472 produced in the above-captioned case.
- Exhibit 40 A true and correct copy of an E-mail from Alan Rosenberg, Smith Barney, to Maureen Michael (Mar. 21, 2007) produced in the above-captioned case..
- Exhibit 41 A true and correct copy of a Consulting Agreement between Maureen Michael and Roche Laboratories Inc. dated December 6, 2006 produced in the above-captioned case.
- Exhibit 42 A true and correct copy of E-mail from Mike Cooper to Anthony Messana and Maureen Michael (Dec. 13, 2006) produced in the above-captioned case.
- Exhibit 43 A true and correct copy of an excerpt of a Transcript of Fresenius Medical Care's Q4 2006 Earnings Conference Call (Feb. 22, 2007).
- Exhibit 44 A true and correct copy of a Roche press release entitled "Roche Receives Approvable Letter for Mircera in the United States" (May 18, 2007).
- Exhibit 45 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.
- Exhibit 46 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.
- Exhibit 47 A true and correct copy of excerpts from the Expert Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 48 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.
- Exhibit 49 A true and correct copy of excerpts from the Rebuttal Report of Professor Einer Elhauge (Roche's economics expert) in the above-captioned case.
- Exhibit 50 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.

- Exhibit 51 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.
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- Exhibit 56 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 26, 2007

Respectfully Submitted,

AMGEN INC.,
By its attorneys,

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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/ Patricia R. Rich

Patricia R. Rich