

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,)
)
 Plaintiff,)
)
 vs.)
)
 F. HOFFMANN-LA ROCHE, LTD;)
 ROCHE DIAGNOSTICS GmbH; and)
 HOFFMANN-LA ROCHE INC.)
)
 Defendants.)

CIVIL ACTION No.: 05-CV-12237WGY

**DECLARATION OF PETER FRATANGELO IN SUPPORT OF
ROCHE’S MOTION *IN LIMINE* TO PRECLUDE TESTIMONY
OF PROPOSED AMGEN WITNESS NANCY SPAETH**

I, Peter Fratangelo, declare under penalty of perjury that:

1. I am an attorney admitted to the Bars of the Commonwealth of Massachusetts and the State of New York and this Court. I am an associate at the law firm of Kaye Scholer LLP, counsel for Defendants in the above-referenced case.

2. I make this declaration in support of the Roche’s Motion *in Limine* to Preclude Testimony of Proposed Amgen Witness Nancy Spaeth.

3. Exhibit A is a true and correct copy of a letter dated July 5, 2007 sent from David M. Madrid of Amgen’s counsel Day Casebeer to Thomas F. Fleming of Roche’s counsel Kaye Scholer.

4. Exhibit B is a true and correct copy of the webpage titled Nancy’s Services located at <http://www.nancyspaeth.com/id2.html>, printed from the internet on August 19, 2007.

5. Exhibit C is a true and correct copy of the webpage titled Nancy's History of Hope located at <http://www.nancyspaeth.com/>, printed from the internet on August 19, 2007.

6. Exhibit D is a true and correct copy of the webpage titled Life Options Rehabilitation Advisory Council (LORAC) located at <http://www.lifeoptions.org/lorac.php>, printed from the internet on August 19, 2007.

7. Exhibit E is a true and correct copy of the webpage titled Our Sponsor Amgen located at <http://www.lifeoptions.org/sponsor.php>, printed from the internet on August 19, 2007.

8. Exhibit F is a true and correct copy of the webpage titled webpage titled the Kidney School located at <http://www.kidneyschool.org/splash/about.shtml>, printed from the internet on August 19, 2007.

Dated: August 27, 2007
New York, New York

/s/ Peter Fratangelo
Peter Fratangelo

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/ Kregg T. Brooks
Kregg T. Brooks