

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMGEN INC.,
Plaintiff,
v.
F. HOFFMANN-LA ROCHE LTD, a
Swiss Company, ROCHE DIAGNOSTICS
GMBH, a German Company, and
HOFFMANN LA ROCHE INC., a New
Jersey Corporation,
Defendants.
Civil Action No.: 1:05-CV-12237 WGY

DECLARATION OF WILLIAM G. GAEDE, III IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE
TO PRECLUDE PLAINTIFF FROM OFFERING INTO EVIDENCE OR
REFERENCING TO THE JURY THE JUNE 2001 SETTLEMENT AGREEMENT

I, William G. Gaede, III, declare as follows:

- 1. I am a partner with McDermott Will & Emery LLP and counsel for Amgen, Inc. in the above-captioned matter.
2. I am submitting this declaration in support of Plaintiff's Opposition to Defendants' Motion In Limine to Preclude Plaintiff from Offering Into Evidence Or Referencing to the Jury the June 2001 Settlement Agreement.
3. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.
4. Attached as Exhibit 1 is a true and correct copy of a letter addressed to Amgen, Inc. and others and a document exercising the option concerning Australia referenced in the June 1, 2001 Settlement Agreement between Johnson & Johnson, F. Hoffmann-La Roche Ltd., Kirin-Amgen, Inc. and Genetics Institute, Inc.
5. Attached as Exhibit 2 is a true and correct copy of relevant pages of Plaintiff's Supplemental Response to Defendants' Fourth Set of Interrogatories (No. 41).

I declare, under penalty of perjury, under the laws of the United States, that the foregoing is true and correct and that this Declaration was completed at Palo Alto, California this 28<sup>TH</sup> day of August 2007.

/s/William G. Gaede, III

William G. Gaede, III

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing (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/ Michael R. Gottfried*

Michael R. Gottfried