

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 AMGEN INC.'S MOTION IN LIMINE NO. 22 TO PRECLUDE
ROCHE FROM INTRODUCING, INCLUDING IN ITS INVALIDITY OPENING,
TESTIMONY, EVIDENCE OR ARGUMENT ON PEGYLATION DURING THE
VALIDITY PHASE OF THE TRIAL AND TO EXCLUDE ANY PROFFERED
TESTIMONY BY DR. ROBERT LANGER DURING THE TRIAL

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 Amgen Inc.'s Motion in
Limine No. 22 to Preclude Roche from Introducing Testimony, Evidence or Argument on
Pegylation During the Validity Phase of the Trial and to Exclude Any Proffered Testimony by
Dr. Robert Langer During the Trial.

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 relevant pages from the Expert
Report of Dr. Robert Langer, dated April 6, 2007, submitted on behalf of Roche in this case.

5. Attached as Exhibit 2 is a true and correct copy of relevant pages of the June 18, 2007 deposition of Dr. Langer taken in this case.

6. Dr. Langer provided no opinions in his report or deposition relating to infringement or inequitable conduct.

7. Attached as Exhibit 3 is a true and correct copy of relevant pages of the March 28, 2007 deposition of Graham Molineux taken in this case.

8. Attached as Exhibit 4 is a true and correct copy of relevant pages of the March 29, 2007 deposition of Stephen Elliott taken in this case.

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 31<sup>ST</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