

**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

**AFFIDAVIT OF PATRICIA R. RICH IN SUPPORT OF PLAINTIFF
AMGEN INC.'S EMERGENCY MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION**

I, Patricia R. Rich, Esq., do hereby depose and state as follows:

1. I am an attorney with the law firm of Duane Morris LLP and am counsel to Plaintiff Amgen Inc.

2. Attached hereto as Exhibit A is a true and accurate copy of a letter dated August 2, 2007, from Lloyd R. Day, Jr., Esq. of the law firm Day CaseBeer Madrid & Batchelder LLP to Leora Ben-Ami, Esq. of the law firm Kaye Scholer LLP.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 3RD
OF SEPTEMBER 2007.**

/s/ Patricia R. Rich
Patricia R. Rich

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/ Patricia R. Rich

Patricia R. Rich