

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 OPPOSITION TO DEFENDANTS' MOTION IN LIMINE
TO PRECLUDE AMGEN FROM PRESENTING EVIDENCE REGARDING (1) A 1993
SETTLEMENT AGREEMENT BETWEEN AMGEN AND GENETICS INSTITUTE
AND (2) A 1989 DECISION THAT GENETICS INSTITUTE USED CELLS THAT
INFRINGED THE '008 PATENT.

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 Opposition to Defendants' Motion In Limine to preclude Amgen from presenting evidence regarding (1) a 1993 settlement agreement between Amgen and Genetics Institute and (2) a 1989 decision that Genetics Institute used cells that infringed the '008 Patent.
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 F. Hoffman-La Roche Ltd press release dated June 27, 2002.

5. Attached as Exhibit 2 is a true and correct copy of a letter from the chairman contained in F. Hoffman-La Roche Ltd's 2002 annual report. This letter can be obtained at: <http://www.roche.com/pages/downloads/investor/pdf/reports/gb02/e02.pdf>

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 3rd day of September 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