

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GENENTECH, INC.,

Plaintiff and Counterclaim  
Defendant,

v.

AMGEN INC.,

Defendant and  
Counterclaim Plaintiff.

C.A. No. 18-924-CFC

**PUBLIC VERSION**

**DECLARATION OF BENJAMIN S. LIN  
IN SUPPORT OF AMGEN'S ANSWERING BRIEF IN OPPOSITION TO  
GENENTECH'S MOTION FOR SANCTIONS PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 37(b)**

I, Benjamin S. Lin, declare as follows:

1. I am an associate at the law firm of Cooley LLP, counsel for Amgen Inc. in Case No. 18-cv-00924-CFC (D. Del.). I am familiar with the facts set forth herein, and if called as a witness, I could and would testify competently to those facts under oath.

2. I submit this declaration in support of Amgen's Answering Brief in Opposition to Genentech's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 37(b).

3. Attached hereto as Exhibit 1 is a true and correct copy of an email from Genentech counsel to Amgen counsel, dated August 28, 2019, regarding Genentech's request to depose Amgen witnesses.

4. Attached hereto as Exhibit 2 is a true and correct copy of an excerpted version of the deposition transcript of Lois Kwaigroch, dated September 17, 2019. This exhibit is marked confidential.

5. Attached hereto as Exhibit 3 is a true and correct copy of an excerpted version of the deposition transcript of Stuart Watt, dated September 23, 2019. This exhibit is marked confidential.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

By:   
Benjamin S. Lin

Date: October 8, 2019

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