

**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 EAMONN GARDNER
IN SUPPORT OF AMGEN'S RESPONSIVE LETTER TO GENENTECH'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

I, Eamonn Gardner, declare as follows:

1. I am a partner 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 Responsive Letter to Genentech's Motion to Compel Production of Documents.

3. During Dr. Ben Dionne's deposition, Genentech counsel asked certain questions related to testing performed by Dr. Dionne and Amgen employees at the request of counsel.

4. Based on a reasonable inquiry, I understand that the only testing implicated by Genentech's questions was testing that was done at the direction of outside trial counsel.

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

By: /s/ Eamonn Gardner
Eamonn Gardner

Date: October 11, 2019

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