


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


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GENENTECH, INC. and CITY OF HOPE,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 1:18-cv-00924-CFC
v.	)	
	)	
AMGEN, INC.,	)	
	)	<b>PUBLIC VERSION FILED: July 19, 2019</b>
Defendant.	)	


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**GENENTECH'S EMERGENCY MOTION FOR  
A TEMPORARY RESTRAINING ORDER**


Pursuant to Federal Rule of Civil Procedure 65, Plaintiff Genentech, Inc. by and through its undersigned counsel, respectfully seek an Order temporarily restraining defendant Amgen, Inc. from commercially launching, marketing or selling its trastuzumab biosimilar product, Kanjinti. Genentech is simultaneously filing an Emergency Motion for a Preliminary Injunction seeking relief until a full adjudication on the merits of Genentech's patent infringement claims.







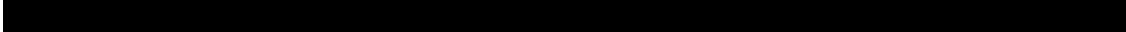












The grounds for Genentech's motion are set forth in Genentech's Combined Opening Brief in Support of Its Emergency Motions for Temporary Restraining Order and Preliminary Injunction, Declarations in Support, and accompanying exhibits filed contemporaneously herewith, along with a Proposed Order.

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Respectfully Submitted,

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*Attorneys for Genentech, Inc. and  
City of Hope*

Dated: July 10, 2019

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

_____	)	
GENENTECH, INC. and CITY OF HOPE,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 18-924-CFC
v.	)	
	)	
AMGEN, INC.,	)	
	)	
Defendant.	)	
_____	)	

**AVERMENT OF COUNSEL**

The undersigned counsel hereby certifies that counsel for Plaintiffs conferred with counsel for Defendant, including verbally in one or more teleconferences involving Delaware counsel for all parties, regarding the relief sought in the foregoing motion and that counsel were unable to reach agreement on the relief sought.

Date: July 10, 2019

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GENENTECH, INC. and CITY OF HOPE,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 1:18-cv-00924-CFC
v.	)	
	)	CONFIDENTIAL – FILED UNDER SEAL
AMGEN, INC.,	)	
	)	
Defendant.	)	
_____	)	

**[PROPOSED] ORDER GRANTING GENENTECH’S EMERGENCY MOTION FOR  
A TEMPORARY RESTRAINING ORDER**

IT IS HEREBY ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, that:

1. Genentech’s Emergency Motion for a Temporary Restraining Order is

GRANTED pending resolution of Genentech’s Emergency Motion for a Preliminary Injunction.

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Accordingly, defendant Amgen, Inc., its affiliates, subsidiaries, and each of its officers, agents, servants and employees, and those acting in privity or in concert with them, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

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