


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

---

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.	)	

---

**GENENTECH’S EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiff Genentech, Inc. by and through their undersigned counsel, respectfully seek an Order preliminarily enjoining defendant Amgen, Inc. from commercially launching, marketing or selling its trastuzumab biosimilar product, Kanjinti, until this Court renders a decision on the merits of Genentech’s patent infringement claims following trial, and until the Court of Appeals for the Federal Circuit has adjudicated any appeal of that decision. Genentech is simultaneously filing an Emergency Motion for a Temporary Restraining Order to maintain the status quo until this motion can be heard.

The grounds for Plaintiffs’ 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.

*Of Counsel:*

William F. Lee  
Lisa J. Pirozzolo  
Emily R. Whelan  
Kevin Prussia  
Andrew J. Danford  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(627) 526-6000  
william.lee@wilmerhale.com  
lisa.pirozzolo@wilmerhale.com  
emily.whelan@wilmerhale.com  
kevin.prussia@wilmerhale.com  
andrew.danford@wilmerhale.com

Robert J. Gunther Jr.  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800  
robert.gunther@wilmerhale.com

Daralyn J. Durie  
Adam R. Brausa  
DURIE TANGRI LLP  
217 Leidesdorff St.  
San Francisco, CA 94111  
(415) 362-6666  
ddurie@durietangri.com  
abrausa@durietangri.com

Dated: July 10, 2019

Respectfully Submitted,

/s/ Michael P. Kelly  
Michael P. Kelly (#2295)  
Daniel M. Silver (#4758)  
MCCARTER & ENGLISH, LLP  
Renaissance Centre  
405 North King Street, 8th Floor  
Wilmington, DE 19801  
(302) 984-6300  
mkelly@mccarter.com  
dsilver@mccarter.com

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

**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

MCCARTER & ENGLISH LLP

*Of Counsel:*

William F. Lee  
Lisa J. Pirozzolo  
Emily R. Whelan  
Kevin Prussia  
Andrew J. Danford  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(627) 526-6000  
william.lee@wilmerhale.com  
lisa.pirozzolo@wilmerhale.com  
emily.whelan@wilmerhale.com  
kevin.prussia@wilmerhale.com  
andrew.danford@wilmerhale.com

/s/ Michael P. Kelly

Michael P. Kelly (#2295)  
Daniel M. Silver (#4758)  
Alexandra M. Joyce (#6423)  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, Delaware 19801  
Tel.: (302) 984-6300  
Fax: (302) 984-6399  
mkelly@mccarter.com  
dsilver@mccarter.com  
ajoyce@mccarter.com

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

Robert J. Gunther Jr.  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800  
robert.gunther@wilmerhale.com

Daralyn J. Durie  
Adam R. Brausa  
DURIE TANGRI LLP  
217 Leidesdorff St.  
San Francisco, CA 94111  
(415) 362-6666  
ddurie@durietangri.com  
abrausa@durietangri.com

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

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  
PRELIMINARY INJUNCTION**

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

1. Genentech’s Emergency Motion for a Preliminary Injunction is GRANTED pending adjudication on the merits Genentech’s claims of infringement of U.S. Patent Nos. 6,627,196 (the “’196 patent”), 7,371,379 (the “’379 patent”) and 10,160,811 (the “’811 patent”). Genentech has demonstrated a likelihood of success with respect to its claim of infringement of the ’196, ’379, and ’811 patents, [REDACTED] Genentech has also shown that the balance of hardships tips in its favor, and that the public interest will not be harmed by this preliminary injunction.

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, [REDACTED], until this Court renders a decision on the merits of Genentech’s patent infringement claims following trial, and until the Court of Appeals for the Federal Circuit has adjudicated any appeal of that decision.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.