

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

_____)
 GENENTECH, INC. and CITY OF HOPE,)
)
 Plaintiffs,)
)
 v.)
)
 AMGEN, INC.,)
)
 Defendant.)
 _____)

C.A. No. 18-924-CFC



PUBLIC VERSION FILED: July 19, 2019

**DECLARATION OF NORA Q.E. PASSAMANECK IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND A PRELIMINARY INJUNCTION**

I, Nora Q.E. Passamaneck, declare and state as follows:

1. I am an attorney at Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Genentech, Inc. ("Genentech") in Case No. 18-cv-00924-GMS (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. Attached hereto as Exhibit 1 is a true and correct copy of an excerpted version of Unites States Patent No. 6,627,196.

3. Attached hereto as Exhibit 2 is a true and correct copy of an excerpted version of Unites States Patent No. 7,371,379.

4. Attached hereto as Exhibit 3 is a true and correct copy of an excerpted version of Unites States Patent No. 10,160,811.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Kanjinti Label, dated June 2019. This exhibit is marked Confidential.

6. Attached hereto as Exhibit 5 is a true and correct copy of [REDACTED]

[REDACTED] This exhibit is marked Confidential.

7. Attached hereto as Exhibit 6 is a true and correct copy of [REDACTED]

[REDACTED]. This exhibit is marked Confidential.

8. Attached hereto as Exhibit 7 is a true and correct copy of an excerpted version of the Herceptin Label, dated November 2018.

9. Attached hereto as Exhibit 8 is a true and correct copy of an excerpted version of an Amgen Press Release, titled “FDA Approves Amgen And Allergan’s KANJINTI™ (trastuzumab-anns), A Biosimilar to Herceptin® (trastuzumab).”

10. Attached hereto as Exhibit 9 is a true and correct copy of [REDACTED]

[REDACTED] This exhibit is marked Confidential.

11. Attached hereto as Exhibit 10 is a true and correct copy of [REDACTED]

[REDACTED] This exhibit is marked Confidential.

12. Attached hereto as Exhibit 11 is a true and correct copy of [REDACTED]

[REDACTED] This exhibit is marked Confidential.

13. Attached hereto as Exhibit 12 is a true and correct copy of [REDACTED]

[REDACTED]. This exhibit is marked Confidential.

14. Attached hereto as Exhibit 13 is a true and correct copy of an excerpted version of the Robert Jacobson Deposition Transcript, dated May 20, 2019. This exhibit is marked Confidential.

15. Attached hereto as Exhibit 14 is a true and correct copy of Defendant Amgen Inc's Second Supplemental Objections and Responses to Plaintiffs' First Set of Interrogatories (Nos. 2, 3), dated September 4, 2018. This exhibit is marked Confidential.

16. Attached hereto as Exhibit 15A is a true and correct copy of Genentech's 3A disclosure letter, from Emily Whelan to Michelle Rhyu, Ph. D., dated December 15, 2017.

17. Attached hereto as Exhibit 15B is a true and correct copy of Genentech's 3A disclosure letter, from Nora Passamaneck to Counsel, dated December 26, 2018.

18. Attached hereto as Exhibit 16 is a true and correct copy of an email chain that begins with [REDACTED]. This exhibit is marked Confidential.

19. Attached hereto as Exhibit 17 is a true and correct copy of a document titled, [REDACTED]. This exhibit is marked Confidential.

20. Attached hereto as Exhibit 18 is a true and correct copy of an excerpted version of a document titled, [REDACTED]. This exhibit is marked Confidential.

21. Attached hereto as Exhibit 19 is a true and correct copy of an excerpted version of a document titled, [REDACTED]. This exhibit is marked Confidential.

22. Attached hereto as Exhibit 20 is a true and correct copy of a document titled, [REDACTED]. This exhibit is marked Confidential.

23. Attached hereto as Exhibit 21 is a true and correct copy of an excerpted version of “Final Written Decision” for IPR2017-01139 for patent 6,627,196, dated October 3, 2018.

24. Attached hereto as Exhibit 22 is a true and correct copy of an excerpted version of “Final Written Decision” for IPR2017-00804 for patent 6,627,196, dated October 3, 2018.

25. Attached hereto as Exhibit 23 is a true and correct copy of an excerpted version of “Final Written Decision” for IPR2017-00805 for patent 7,371,379 B2, dated October 3, 2018.

26. Attached hereto as Exhibit 24 is a true and correct copy of an excerpted version of “Final Written Decision” for IPR2017-00140 for patent 7,371,379 B2, dated October 3, 2018.

27. Attached hereto as Exhibit 26 is a true and correct copy of an excerpted version of Amgen’s Opening Brief in Support of Motion for Permanent Injunctive Relief, in *Amgen Inc. et al. v. Sanofi et al.*, No. 14-cv-1317-SLR (D. Del. April 27, 2016), ECF No. 340.

28. Attached hereto as Exhibit 27 is a true and correct copy of an excerpted version of a website article titled, “Marketing Director and Launch Lead, US Biosimilar Trastuzumab.”

29. Attached hereto as Exhibit 28 is a true and correct copy of Amgen’s Opening Brief in Support of its May 26, 2017 Motion for a Preliminary Injunction, in *Amgen Inc. et al. v. Hospira, Inc.*, No. 1:15-cv-839-RGA (D. Del. June 5, 2017), ECF No. 230.

30. Attached hereto as Exhibit 29 is a true and correct copy of an excerpted version of a website article titled, “Celltrion CEO aims to sell Truxima in US This Year” dated March 26, 2019.

31. Attached hereto as Exhibit 30 is a true and correct copy of an excerpted version of Amgen’s Opening Brief in Support of its Motion for an Emergency Injunction Pending Appeal, in *Amgen Inc. v. Amneal Pharms. LLC, et al.*, No. 1:16-cv-853-MSG, (D. Del. Mar. 26, 2019), ECF No. 440.

32. Attached hereto as Exhibit 31 is a true and correct copy of Exhibit 239 of the Molly Benson deposition, dated June 27, 2019. This exhibit is marked Confidential.

33. Attached hereto as Exhibit 32 is a true and correct copy of an excerpted version of an Amgen presentation titled, [REDACTED] dated March 2019. This exhibit is marked Confidential.

34. Attached hereto as Exhibit 33 is a true and correct copy of a website article titled, "Perseverance, The Inside Story of a Breast Cancer Breakthrough, 30 Years in the Making."

35. Attached hereto as Exhibit 34 is a true and correct copy of a Genentech Press Release titled, "Herceptin Plus Chemotherapy Improved Disease-Free Survival and Overall Survival in Adjuvant Setting for Early-Stage Her2- Positive Breast Cancer Patients," dated May 13, 2005.

36. Attached hereto as Exhibit 35 is a true and correct copy of an excerpted version of a presentation titled," [REDACTED] [REDACTED]. This exhibit is marked Confidential.

37. Attached hereto as Exhibit 36 is a true and correct copy of an excerpted version of a presentation titled, [REDACTED]" This exhibit is marked Confidential.

38. Attached hereto as Exhibit 37 is a true and correct copy of an excerpted version of [REDACTED]. This exhibit is marked Confidential.

39. Attached hereto as Exhibit 38 is a true and correct copy of an excerpted version of [REDACTED]. This exhibit is marked Confidential.

40. Attached hereto as Exhibit 39 is a true and correct copy of document titled [REDACTED] This exhibit is marked Confidential.

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