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June 24, 2015

By CM/ECF

Daniel E. O'Toole
Circuit Executive & Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Re: *Amgen Inc. v. Sandoz Inc.*, No. 2015-1499 (Newman, Lourie, Chen, J.J.);
oral argument held June 3, 2015)

Dear Admiral O'Toole:

Sandoz's June 23, 2015 letter is not a proper submission under Rule 28(j), for two reasons.

First, Rule 28(j) permits citation of "pertinent and significant authorities" only where those authorities "come to a party's attention" after the party's brief has been filed, or after oral argument but before decision. Sandoz does not even attempt to satisfy that standard. Its letter cites three cases. Sandoz already cited one of them, *W.R. Grace & Co. v. Local Union 759*, 461 U.S. 757 (1983), in its submissions regarding a possible bond. (Dkt. Nos. 107 & 108). The other two are decisions (from other Circuits) dated 1994 and 2011 respectively; Sandoz does not claim that these decisions have only now come to its attention, and it could of course have easily located them at any point during the pendency of this appeal.

Second, Sandoz's letter re-argues the merits of the parties' briefing regarding imposition of a bond. The Court has not ordered additional briefing, Sandoz did not seek leave to supplement its bond briefing, and nothing in Rule 28(j) lets Sandoz award itself another brief. Rather than engaging again on the merits, Amgen respectfully refers the

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Court to its prior submissions addressing these issues. (*See* Dkt. Nos. 55 & 56, Amgen's motion for temporary injunction; Dkt. Nos. 87 & 88, Amgen's reply in support of its motion for temporary injunction; Dkt. Nos. 110 & 111, Amgen's response regarding bond).

Respectfully submitted,

/s/ Nicholas Groombridge

Nicholas Groombridge

Counsel for Plaintiffs-Appellants

Amgen Inc. and Amgen Manufacturing Limited

cc: Counsel of Record by CM/ECF

CERTIFICATE OF FILING AND SERVICE

I, Robyn Cocho, hereby certify pursuant to Fed. R. App. P. 25(d) that, on June 24, 2015 the foregoing Letter was filed through the CM/ECF system and that all participants are registered CM/ECF user and that service will be accomplished by the appellate CM/ECF system.

/s/ Robyn Cocho

Robyn Cocho