

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

GENENTECH, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
AMGEN INC.)	C.A. No. 17-165-GMS
)	
Defendant.)	

RULE 57 MOTION FOR SPEEDY HEARING

Pursuant to Federal Rule of Civil Procedure 57 and this Court’s inherent authority, Plaintiff Genentech, Inc. respectfully requests a speedy hearing to determine the parties’ respective rights and obligations under the Biologics Price Competition and Innovation Act pertaining to the Abbreviated Biologics License Application of Defendant Amgen Inc. seeking to market a biosimilar version of Avastin[®], Genentech’s best-selling cancer medicine. The factual and legal bases for Genentech’s request for a speedy hearing are set forth in the contemporaneously-filed Opening Brief in support of this motion. For the reasons set forth in the Opening Brief, Genentech respectfully requests a ruling in this matter prior to March 22, 2017.

Dated: February 22, 2017

MCCARTER & ENGLISH, LLP

/s/ Michael P. Kelly

Michael P. Kelly (# 2295)

Daniel M. Silver (#4758)

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

OF COUNSEL:

Paul B. Gaffney

David I. Berl

Thomas S. Fletcher

Teagan J. Gregory

Jonathan S. Sidhu

Williams & Connolly LLP

725 Twelfth St. NW

Washington, DC 20005

(202) 434-5000

Attorneys for Plaintiff Genentech, Inc.

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[PROPOSED] ORDER

IT IS HEREBY ORDERED this ____ day of _____, 2017, that Genentech, Inc.’s Rule 57 Motion for “Speedy Hearing” (the “Motion”) is GRANTED;

IT IS FURTHER ORDERED that the parties shall submit a proposed briefing schedule for the Court’s consideration within 3-days of the date hereof; and

IT IS FURTHER ORDERED that a Speedy Hearing will be held on _____, 2017 at __:__ .m.

UNITED STATES DISTRICT COURT JUDGE

**IN THE UNITED STATES DISTRICT COURT
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AMGEN INC.)	C.A. No. 17-165-GMS
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RULE 7.1.1. CERTIFICATION

The undersigned counsel hereby certifies that lead counsel and Delaware counsel for Plaintiff Genentech, Inc. (“Genentech”) spoke with lead counsel and Delaware counsel for Defendant Amgen Inc. (“Amgen”) by telephone on February 22, 2017 to request Amgen’s consent to the relief requested in the Motion. Counsel for Amgen declined to consent at that time.

Dated: February 22, 2017

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725 Twelfth St. NW

Washington, DC 20005

(202) 434-5000

Attorneys for Plaintiff Genentech, Inc.

CERTIFICATE OF SERVICE

I, Michael P. Kelly, hereby certify that on February 22, 2017, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on February 22, 2017, the attached document was caused to be served on the following person(s) in the manner(s) indicated:

VIA EMAIL & FEDERAL EXPRESS

Siegmund Y. Gutman
Proskauer Rose LLP
2049 Century Park East
Los Angeles, CA 90067-3206
sgutman@proskauer.com

VIA EMAIL & HAND DELIVERY

Melanie K. Sharp
Young, Conaway, Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, Delaware 19801
msharp@ycst.com

Counsel for Amgen Inc.

/s/ Michael P. Kelly
Michael P. Kelly (# 2295)