

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**GENENTECH, INC.,**  
*Plaintiff-Appellant*

**CITY OF HOPE,**  
*Plaintiff*

v.

**AMGEN INC.,**  
*Defendant-Appellee*

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2019-2156

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Appeal from the United States District Court for the District of Delaware in No. 1:18-cv-00924-CFC, Judge Colm F. Connolly.

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**ON MOTION**

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Before WALLACH, CHEN, and HUGHES, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Genentech, Inc. moves (1) for an injunction pending appeal and (2) to expedite briefing on the merits (ECF No. 8). Amgen Inc. opposes the motion.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant an injunction pending appeal. Similar to a motion for a stay, our determination is governed by four factors: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of the injunction will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). Without prejudicing the ultimate disposition of this case, we conclude that Genentech has not established that an injunction pending appeal is warranted here under these factors.

Regarding Genentech's general request to expedite proceedings, while Genentech has and can continue to self-expedite its own filings, it has not shown that Amgen's time should be shortened. This appeal will be placed on the next available oral argument calendar after briefing is completed.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

August 07, 2019  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court