EXHIBIT 1 REDACTED IN ITS ENTIRERTY

EXHIBIT 2

No. 2019-2156

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

GENENTECH, INC.,

Plaintiff-Appellant,

CITY OF HOPE,

Plaintiff,

v.

AMGEN INC.,

Defendant-Appellee.

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

SECOND DECLARATION OF ROBERT JACOBSON IN SUPPORT OF AMGEN INC.'s OPPOSITION TO GENENTECH, INC.'S EMERGENCY MOTION FOR AN INJUNCTION PENDING APPEAL

1. My name is Robert Jacobson. I am the Executive Director of U.S. Value and Access for Biosimilars at Amgen. I have held this role since July 2017, and I have been employed by Amgen since March 2001. I make this declaration based on my own personal knowledge.

2. In my current role as the Executive Director of U.S. Value and Access for Biosimilars, I oversee Amgen's activities in the U.S. relating to pricing, contracting, and patient support for Amgen's biosimilar programs. I also oversee Amgen's U.S. policy work related to these areas of value and access for biosimilars. In carrying out these job responsibilities, I am involved in, and knowledgeable about, Amgen's contractual relationships with group purchasing organizations, payers, distributors and healthcare providers.

3. Kanjinti® is Amgen's trastuzumab biosimilar. Kanjinti® is FDA approved to treat HER2 overexpressing early stage and metastatic breast cancer and metastatic gastric cancer. Kanjinti® is administered periodically to patients by intravenous infusion for periods of up to a year (or more). Kanjinti® can be curative in some early stage breast cancer patients. Kanjinti® can increase disease-free survival and overall survival in other patients. To obtain the benefits of Kanjinti®, patients prescribed the drug must have access to an uninterrupted supply of medicine. Kanjinti® is sold in a 420-mg multi-dose vial.

4. Amgen received FDA approval to market Kanjinti® on June 13, 2019.

5. From July 8-10, 2019, Amgen began commercial marketing of Kanjinti®.

6. Following the district court's standstill order on July 10, 2019, Amgen ceased its external commercial activities related to Kanjinti®. Amgen reinitiated its commercial launch of Kanjinti® in the United States on July 18 after the district court denied Genentech's emergency motions for a temporary restraining order and for a preliminary injunction and lifted its standstill order.

7. On July 18, 2019, Amgen initiated supply of Kanjinti® to the market.

8. Amgen has received confirmation from its customers that they have begun administering Kanjinti® to cancer patients.

9. An injunction ordering Amgen to halt sales of Kanjinti® would cause significant harm to Amgen's reputation as a reliable supplier of high quality medicines. The district court's July 10 standstill order already required Amgen to inform customers that it could not commence with sales of Kanjinti®. A second injunction prohibiting future sales would cause substantial disruption to Amgen's customers' businesses, and could cause those customers to reduce or terminate their commercial relationships with Amgen.

DOCKET ALARM

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.