

NOTE: This order is nonprecedential.

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

**AMGEN INC., AMGEN MANUFACTURING
LIMITED, AMGEN USA, INC.,**
Plaintiffs-Appellees

v.

**SANOFI, AVENTISUB LLC, REGENERON
PHARMACEUTICALS INC., SANOFI-AVENTIS U.S.,
LLC,**
Defendants-Appellants

2017-1480

Appeal from the United States District Court for the District of Delaware in Nos. 1:14-cv-01317-SLR, 1:14-cv-01349-SLR, 1:14-cv-01393-SLR, and 1:14-cv-01414-SLR, Judge Sue L. Robinson.

ON MOTION

Before DYK, BRYSON, and STOLL, *Circuit Judges*.

DYK, *Circuit Judge*.

O R D E R

The appellants move to stay, pending appeal, the injunction ordered by the United States District Court for the District of Delaware, which becomes effective on February 21, 2017. The appellees oppose the motion. Various physicians also move for leave to file amicus curiae briefs in support of the motion to stay.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant a stay of an injunction pending appeal. Our determination is governed by four factors, the first two of which are the most critical: (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 a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Without prejudicing the ultimate disposition of this case by a merits panel, we conclude based upon the papers submitted that a stay is warranted here.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to stay the injunction pending appeal is granted.
- (2) All other pending motions are denied as moot.

FOR THE COURT

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