

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
Denver**

AMGEN INC., *et al.*,

Plaintiffs,

v.

GAIL MIZNER, MD, in her official
capacity as Chair of the Colorado
Prescription Drug Affordability Review
Board, *et al.*,

Defendants.

**Civil Action
No. 1:24-cv-810-NYW-SBP**

PLAINTIFFS' NOTICE OF APPEAL

Plaintiffs Amgen Inc., Immunex Corporation, and Amgen Manufacturing, Limited hereby appeal to the United States Court of Appeals for the Federal Circuit from the Memorandum Opinion and Order (Doc. 49) and Final Judgment (Doc. 50), both dated March 28, 2025, granting Defendants' motion for summary judgment and dismissing Plaintiffs' complaint without prejudice for lack of subject matter jurisdiction, and from all interlocutory or other orders and rulings subsidiary or relating thereto.

Dated: April 8, 2025

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Respectfully submitted,

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Counsel for Plaintiffs



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

JARRETT B. PERLOW
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

April 14, 2025

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2025-1641

Federal Circuit Short Caption: Amgen Inc. v. Colorado Pres. Drug Affordability Review Board

Date of Docketing: April 14, 2025

Originating Tribunal: United States District Court for the District of Colorado

Originating Case No.: 1:24-cv-00810-NYW-SBP

Appellant: Amgen Inc., Immunex Corporation, Amgen Manufacturing, Limited

A notice of appeal has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- [Entry of Appearance](#) or [Notice of Unrepresented Person](#). (Fed. Cir. R. 47.3.)
- [Certificate of Interest](#). (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- [Docketing Statement](#). Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 47.6 and the [Mediation Guidelines](#); no docketing statement is required in cases with an unrepresented party)
- [Statement Concerning Discrimination](#) in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)

- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

FILING DOCUMENTS: Each counsel representing a party must be a member of the court's bar and registered for the court's electronic filing system. Parties represented by counsel must make all filings through the court's electronic filing system.

Unrepresented parties may choose to submit case filings to the court either in paper or through the court's electronic filing system; electronic filing will only be permitted for unrepresented parties after successful registration for the court's electronic filing system and submission of a completed Notice of Unrepresented Person Appearance. Fed. Cir. R. 25(a). The court's Electronic Filing Procedures may be accessed [here](#).

CONTACT INFORMATION: Electronic filers, or unrepresented parties registered to receive electronic service, must update their contact information in their PACER service center profile whenever their contact information changes. Counsel must file an amended Entry of Appearance and unrepresented parties must file an amended Notice of Unrepresented Person Appearance whenever contact information changes. Fed. Cir. R. 25(a)(5).

FEE PAYMENT: Unless the filing fee was prepaid, fee payment must be submitted within fourteen days after this notice. Fed. Cir. R. 52(d). For outstanding docketing fees due to this court, electronic filers must pay the fee using the event Pay Docketing Fee through the court's electronic filing system. Fed. Cir. R. 52(e). Docketing fees due to other courts, such as U.S. District Courts, the U.S. Court of Appeals for Veterans Claims, and non-vaccine cases at the U.S. Court of Federal Claims, must be submitted to those courts in accordance with their procedures. A filer wishing to proceed without fee payment must submit a motion for leave to proceed in forma pauperis, or other fee waiver request, within fourteen days.

OFFICIAL CAPTION: The court's official caption is attached and reflects the lower tribunal's caption pursuant to Fed. R. App. P. 12(a), 15(a), and 21(a). Please review the caption carefully and promptly advise this court in writing of any improper or inaccurate designations.



Jarrett B. Perlow
Clerk of Court

By: G. Kilgore, Deputy Clerk

Attachments:

- Official caption
- Paper Copies of General Information and Forms (to unrepresented parties only):
 - [General Information and Overview of a Case in the Federal Circuit](#)
 - [Notice of Unrepresented Person Appearance](#)
 - [Informal Brief](#)
 - [Informal Reply Brief](#) (to be completed only after receiving the opposing party's response brief)
 - [Motion and Affidavit for Leave to Proceed in Forma Pauperis](#) (only to filers owing the docketing fee)
 - [Supplemental in Forma Pauperis Form for Prisoners](#) (only to filers in a correctional institution)
 - [Statement Concerning Discrimination](#) (only to petitioners in MSPB or arbitrator case)

cc: United States District Court for the District of Colorado

Official Caption

**AMGEN INC., IMMUNEX CORPORATION, AMGEN MANUFACTURING,
LIMITED,**

Plaintiffs-Appellants

v.

**GAIL MIZNER, in her official capacity as Chair of the Colorado
Prescription Drug Affordability Review Board, SAMI DIAB, in his official
capacity as a member of the Colorado Prescription Drug Affordability
Review Board, AMARYLIS GUTIERREZ, in her official capacity as a
member of the Colorado Prescription Drug Affordability Review Board,
CATHERINE HARSHBARGER, in her official capacity as a member of the
Colorado Prescription Drug Affordability Review Board, JAMES JUSTIN
VANDENBERG, in his official capacity as a member of the Colorado
Prescription Drug Affordability Review Board, MICHAEL CONWAY, in his
official capacity as Commissioner of the Colorado Division of Insurance,
PHILIP WEISER, in his official capacity as Attorney General of the State of
Colorado,**

Defendants-Appellees

Short Caption

Amgen Inc. v. Colorado Pres. Drug Affordability Review Board