

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

	X	
	:	
JANSSEN BIOTECH, INC. and NEW YORK UNIVERSITY,	:	Civil Action No. 1:15-cv-10698-MLW
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
CELLTRION HEALTHCARE CO., LTD., CELLTRION, INC., and HOSPIRA, INC.,	:	
	:	
Defendants.	:	
	:	
	X	

**DEFENDANTS’ CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT
ON COUNT 2 OF THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc. and Hospira Inc. (collectively “Defendants”), hereby cross-move this Court to enter summary judgment dismissing Count 2 of Plaintiffs’ Complaint. There is no genuine issue of material fact and Defendants are entitled to judgment of dismissal as a matter of law on Count 2. Defendants refer the Court to their supporting Memorandum, Statement of Facts, and Affidavits and Exhibits filed herewith.

WHEREFORE, Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc. and Hospira Inc. respectfully request that this Court dismiss Count 2 of the Complaint and grant such other and further relief as this Court deems just.

Dated: April 29, 2015

Respectfully submitted,

Celltrion Healthcare Co., Ltd., Celltrion, Inc. and Hospira Inc.

By their attorneys,

/s/Andrea L. Martin

Dennis J. Kelly (BBO # 266340)

dkelly@burnslev.com

Andrea L. Martin (BBO #666117)

amartin@burnslev.com

BURNS & LEVINSON LLP

125 Summer Street

Boston, MA 02110-1624

Telephone: 617-345-3000

Facsimile: 617-345-3299

Of Counsel:

WINSTON & STRAWN LLP

Charles B. Klein, *admitted pro hac vice*

1700 K Street NW

Washington, DC 20006

Phone: (202) 282-5000

cklein@winston.com

Peter E. Perkowski, *admitted pro hac vice*

333 S Grand Ave, Suite 3800

Los Angeles, CA 90071

Phone: (213) 615-1700

pperkowski@winston.com

Samuel S. Park, *admitted pro hac vice*

Dan H. Hoang, *admitted pro hac vice*

35 West Wacker Drive

Chicago, Illinois 60601-9703

Phone: (312) 558-5600

spark@winston.com

dhoang@winston.com

Attorneys for Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc., and Hospira, Inc.

LR 7.1(a)(2) CERTIFICATION

I, Andrea L. Martin, hereby certify that Defendants' counsel has conferred with Plaintiffs' counsel and attempted in good faith to resolve or narrow the issue raised in this motion. Plaintiffs assert that they will oppose this Cross-Motion.

/s/Andrea L. Martin, Esq.
Andrea L. Martin, Esq.

CERTIFICATE OF SERVICE

I, Andrea L. Martin, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 29, 2015.

/s/Andrea L. Martin, Esq.
Andrea L. Martin, Esq.

4844-6489-0915.1