

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:15-CV-61631-JIC

AMGEN, INC. and AMGEN)
MANUFACTURING LIMITED,)
)
Plaintiffs,)
)
v.)
)
APOTEX INC. and APOTEX CORP.)
)
Defendants.)
_____)

**UNOPPOSED MOTION REGARDING ORAL ARGUMENT AT
PRELIMINARY INJUNCTION HEARING**

Defendants, Apotex Inc. and Apotex Corp. (collectively, "Apotex"), hereby file this Unopposed Motion Regarding Oral Argument pertaining to the hearing on Plaintiffs' Motion for Preliminary Injunction and Incorporated Memorandum of Law ("Amgen's Motion") [DE 42], currently scheduled for December 3, 2015 at 10:00 a.m [DE 58], as set forth herein. In support thereof, Apotex states:

As noted in Apotex's Opposition to Plaintiffs' Motion for Preliminary Injunction ("Apotex's Opposition") [DE 55], and as referenced in Amgen's Reply Memorandum of Law in Further Support of Plaintiffs' Motion for a Preliminary Injunction [DE 62], oral argument concerning the bond and bond amount, in the event the Court were to issue an injunction in this matter, will include reference to the Declaration of Steven Lydeamore [DE 53], which this Court has allowed to be filed under seal [DE 56]. While Apotex anticipates that the majority of the oral argument on Amgen's Motion and Apotex's Opposition to same will be dedicated to the merits of the parties' respective positions as to whether an injunction *should* be issued, in the

event the Court *were* to issue an injunction, oral argument pertaining to Mr. Lydeamore's Declaration and/or any presentation of live testimony from Steven Lydeamore at the hearing with respect to the potential bond/bond amount, will contain and/or reference confidential and sensitive business information. As a result, Apotex respectfully requests that the bond portion of the hearing be conducted in a sealed courtroom or in chambers.

Pursuant to Local Rule 7.1, the undersigned certifies that counsel for Apotex have conferred with counsel for Plaintiffs, who confirmed that Plaintiffs do not oppose the relief sought in this Motion.

WHEREFORE, Defendants, Apotex Inc. and Apotex Corp. respectfully request that this Court enter an Order allowing for oral argument on the bond and bond amount to be conducted in a sealed courtroom or in chambers, and providing such other and further relief as this Court deems necessary and just.

Respectfully submitted,

By: /s/ Simeon D. Brier

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*Attorneys for Defendants and
Counterclaim Plaintiffs Apotex
Inc. and Apotex Corp.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel and that a true and correct copy was served via electronic mail on all counsel or parties of record on the service list.

/s/ Simeon D. Brier

Simeon D. Brier

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EXHIBIT A

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**ORDER GRANTING UNOPPOSED MOTION REGARDING
ORAL ARGUMENT AT PRELIMINARY INJUNCTION HEARING**

THIS CAUSE came before this Court on Defendants' Apotex Inc. and Apotex Corp. (collectively, "Apotex") Unopposed Motion Regarding Oral Argument at Preliminary Injunction Hearing (the "Motion"), the Court having reviewed the Motion and being otherwise fully advised in the premises, it is **ORDERED and ADJUDGED** as follows:

1. The Motion is hereby **GRANTED**.
2. At the December 3, 2015 hearing on Plaintiffs' Motion for Preliminary Injunction, any oral argument on the bond and bond amount shall be conducted in a sealed courtroom or in chambers.

DONE AND ORDERED in Fort Lauderdale, Florida, in Chambers, on _____
2015.

JUDGE JAMES I. COHN
UNITED STATES DISTRICT COURT JUDGE

Copies furnished to:

All counsel of record