

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMGEN INC. and
AMGEN MANUFACTURING, LIMITED,

Plaintiffs,

vs.

HOSPIRA, INC.

Defendant.

C.A. No. 15-839 (RGA)

HOSPIRA’S MOTION TO DISMISS COUNT I AND COUNT II

Defendant Hospira, Inc. (“Hospira”) respectfully moves this Court to enter an order dismissing with prejudice Count I and Count II of Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited’s complaint, dated September 18, 2015 (the “Complaint”) (D.I. 1.), pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

OF COUNSEL:

WILKIE FARR & GALLAGHER LLP

Thomas J. Meloro
Michael W. Johnson
787 Seventh Avenue
New York, NY 10019
(212) 728-8000

PROCTOR HEYMAN ENERIO LLP

/s/ Dominick T. Gattuso

Dominick T. Gattuso (# 3630)
300 Delaware Avenue, Suite 200
Wilmington, DE 19801
(302) 472-7300

Dated: October 13, 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMGEN INC. and
AMGEN MANUFACTURING, LIMITED,

Plaintiffs,

vs.

HOSPIRA, INC.

Defendant.

C.A. No. 15-839 (RGA)

**[PROPOSED] ORDER DISMISSING COUNT I AND COUNT II OF
PLAINTIFFS' COMPLAINT**

This ____ day of _____, 2015, the Court having considered Defendant Hospira, Inc.'s ("Hospira") Motion To Dismiss Count I and Count II of Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited's (collectively, "Amgen") complaint, dated September 18, 2015 (the "Complaint") (D.I. 1), and any opposition thereto,

IT IS HEREBY ORDERED:

1. Count I of the Complaint is dismissed pursuant to Fed. R. Civ. P. 12.
2. Count II of the Complaint is dismissed pursuant to Fed. R. Civ. P. 12.

Dated: _____

The Honorable Richard G. Andrews