

**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)

**DEFENDANT’S MOTION TO DISMISS COUNT I OF THE  
AMENDED COMPLAINT**

Defendant Hospira, Inc. (“Hospira”) respectfully moves this Court to enter an order dismissing with prejudice Count I of Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited’s Amended Complaint, dated November 6, 2015 (the “Complaint”) (D.I. 11), pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

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Dated: November 12, 2015

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

This \_\_\_\_ day of \_\_\_\_\_, 2015, the Court having considered Defendant Hospira, Inc.'s ("Hospira") Motion To Dismiss Count I of Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited's (collectively, "Amgen") Amended Complaint, dated November 6, 2015 (the "Complaint") (D.I. 11), and any opposition thereto,

IT IS HEREBY ORDERED:

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Richard G. Andrews