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June 19, 2017

VIA E-FILING

The Honorable Richard G. Andrews
J. Caleb Boggs Federal Building
844 N. King Street
Room 6325
Wilmington, DE 19801-3555

Re: *Amgen Inc., et al. v. Hospira, Inc.*, Civil Action No. 15-839-RGA

Dear Judge Andrews:

I write as counsel to defendant Hospira, Inc. (“Hospira”) in the above-referenced action. Amgen Inc. and Amgen Manufacturing, Ltd. (“Amgen”) filed a *Motion for a Preliminary Injunction* in this case on May 26, 2017 (D.I. 212) (the “Motion”). On June 12, 2017, Hospira requested that Amgen withdraw its Motion in light of the U.S. Supreme Court’s ruling in *Sandoz Inc. v. Amgen Inc.*, a decision which relates to the law underlying Amgen’s Motion. The parties entered a stipulation postponing Hospira’s response to Amgen’s Motion until June 19, 2017. The stipulation required Amgen to inform Hospira whether it would withdraw its Motion by June 14, 2017.

Amgen informed Hospira on June 14, 2017, that it does not intend to withdraw its Motion, but that it intends to serve a revised opening brief to address the 42 U.S.C. § 262(l)(8)(A) issue in view of the Supreme Court’s ruling in *Sandoz v. Amgen*. Amgen also informed Hospira that it does not need to serve a brief responding to Amgen’s opening brief served on May 26, 2017, given Amgen’s intent to file a new brief. While Hospira does not agree that Amgen’s plan to file a “new” brief is procedurally correct, Hospira is cognizant of this Court’s heavy docket and does not want to burden the Court with an opposition brief that is unnecessary. Accordingly, Hospira will refrain from filing a brief in opposition to Amgen’s Motion until Amgen files its new brief, at which point Hospira will file its opposition brief in accordance with the timing set forth in the local rules.



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Thank you for your time and attention to this matter. Counsel are available should Your Honor have further questions.

Respectfully,

/s/ Dominick T. Gattuso

Dominick T. Gattuso (#3630)

cc: All Counsel of Record (via CM/ECF)