

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and)	
AMGEN MANUFACTURING, LIMITED,)	
)	
Plaintiffs,)	C.A. No. 15-839 (RGA)
)	
v.)	JURY TRIAL DEMANDED
)	
HOSPIRA, INC.,)	
)	
Defendant.)	

AMGEN’S MOTION FOR LEAVE TO FILE AN AMENDED OPENING BRIEF

Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited (collectively, “Amgen”) hereby move this Court for an order granting it leave to file an Amended Opening Brief in Support of its Motion for a Preliminary Injunction (“Amended Opening Brief”).

1. Amgen filed its Motion for a Preliminary Injunction under 42 U.S.C. §262(l)(8)(A) and its Opening Brief on May 26, 2017. (D.I. 212; D.I. 213).
2. Subsequently, the United States Supreme Court issued its decision in *Sandoz Inc. v. Amgen Inc.*, No. 15-1039, 2017 WL 2507337 (U.S. June 12, 2017).
3. In view of the Supreme Court’s decision, which impacts the issues raised in Amgen’s motion, Amgen now seeks leave to file an Amended Opening Brief to replace the Opening Brief it filed on May 26, 2017 (D.I. 213).
4. Amgen’s Amended Opening Brief is attached as Exhibit A to this motion, a Supplemental Declaration is attached as Exhibit B, and a revised Proposed Order on Amgen’s preliminary injunction motion is attached as Exhibit C.
5. Amgen respectfully requests that the Court enter the proposed order submitted with this Motion granting Amgen leave to file its Amended Opening Brief and supporting materials attached as Exhibits A through C.

6. Amgen further requests that the Court reset the briefing schedule on Amgen's Motion such that Hospira's responsive brief will be due in 14 days, and Amgen's reply will be due 7 days thereafter.

7. During a June 16, 2016, telephone call, counsel for Amgen discussed the grounds for this motion with counsel for Hospira. While Hospira opposes the relief Amgen seeks in the underlying Motion for a Preliminary Injunction, Hospira does not take a position on whether Amgen should be permitted to file an Amended Opening Brief.

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Dated: June 19, 2017

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[PROPOSED] ORDER

The Court, having considered Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited’s (collectively, “Amgen”) Motion for Leave to File an Amended Opening Brief in Support of its Motion for a Preliminary Injunction (“Amended Opening Brief”);

IT IS HEREBY ORDERED this _____ da y of _____, 2017 that the Motion is GRANTED. Amgen is granted leave to file an Amended Opening Brief and supporting materials in support of its Motion for a Preliminary Injunction (D.I. 212). Amgen’s brief shall be deemed filed and served as of the date of this Order. Defendant’s Opposition to Amgen’s Motion for a Preliminary Injunction is due 14 days from the date of this Order, and Amgen’s Reply is due 7 days after Hospira serves its Opposition.

United States District Judge