

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JANSSEN BIOTECH, INC.,  
  
Plaintiff,  
  
v.  
  
CELLTRION HEALTHCARE CO., LTD.,  
CELLTRION, INC., and  
HOSPIRA, INC.  
  
Defendants.

No. 1:17-cv-11008

**DEFENDANTS' MOTION FOR LEAVE TO FILE MOTION FOR  
SUMMARY JUDGMENT OF NON-INFRINGEMENT BASED ON ENSNAREMENT,  
AND RELATED MOTIONS FOR LEAVE TO FILE EXCESS PAGES  
AND TO SET BRIEFING SCHEDULE**

Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc., And Hospira, Inc. (collectively "Defendants") respectfully request that they be granted leave to file the attached summary judgment motion, that the Court enter Defendants' proposed briefing schedule and page limits, and that the Court hear Defendants' motion for summary judgment the week of June 11, 2018. Plaintiff Janssen Biotech, Inc. ("Janssen") does not oppose leave to file for summary judgment, the proposed page limits, or schedule, but does oppose the underlying motion for summary judgment.

After seeing a preview of Defendants' obviousness case, the Court recognized that "Janssen has to walk a tightrope with regard to its arguments on equivalents and its arguments against obviousness." Dkt. 180 (2/2/18 Hr'g Tr.) at 26:15-19. In reality, Janssen cannot do so. While the accused media products differ from the claims in twelve ways, they differ from the prior art in *only three* ways. Janssen cannot make out its twelve-way doctrine of equivalents case

without stretching the claims so far that they cover the prior art. Janssen runs squarely into the  
As plaintiff does not oppose the filing  
of a motion for summary judgment or  
the briefing schedule, this motion is hereby  
ALLOWED and the proposed briefing schedule is

4/11/2018  
WEL. P. J.  
ADOPTED