

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

GENENTECH, INC. and CITY OF HOPE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
AMGEN INC.)	C.A. No. 17-1407-GMS
)	C.A. No. 17-1471-GMS
Defendant.)	
)	
)	
)	
)	

**PLAINTIFFS’ MOTION TO DISMISS AND TO STRIKE
DEFENDANT’S FIRST AMENDED COUNTERCLAIMS AND
THIRD, FOURTEENTH, AND FIFTEENTH AFFIRMATIVE DEFENSES**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), 12(b)(6), and 12(f), Plaintiffs Genentech, Inc. and City of Hope (jointly, “Plaintiffs”) respectfully move for dismissal of and/or to strike Defendant Amgen’s Inc.’s First Amended Counterclaims and Third, Fourteenth, and Fifteenth Affirmative Defenses. The bases for this motion are set forth in the Opening Brief contemporaneously filed herewith.

DATED: June 19, 2018

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO DISMISS AND
TO STRIKE DEFENDANT'S FIRST AMENDED COUNTERCLAIMS
AND THIRD, FOURTEENTH, AND FIFTEENTH AFFIRMATIVE DEFENSES**

IT IS HEREBY ORDERED, this _____ day of _____, 2018,
pursuant to Federal Rule of Civil Procedure 12(b)(1), 12(b)(6), and 12(f), Defendant Amgen's
Inc.'s First Amended Counterclaims and Third, Fourteenth, and Fifteenth Affirmative Defenses
are hereby DISMISSED and STRICKEN.

UNITED STATES DISTRICT JUDGE