

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 18-61828-CIV-WPD/LSS

AMGEN INC. and AMGEN
MANUFACTURING LIMITED,

Plaintiffs,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

DEFENDANTS APOTEX INC. AND APOTEX CORP.'S
NOTICE OF RELATED OR SIMILAR ACTION

Pursuant to S.D. Fla. L. R. 3.8 and S. D. Fla. Internal Operating Procedure 2.15.00, Defendants Apotex Inc. and Apotex Corp. (collectively “Apotex”) hereby provide notice of two related actions in this District (which were consolidated) styled *Amgen Inc. and Amgen Manufacturing Limited v. Apotex Inc. and Apotex Corp.*, Case No 0:15-CV-61631-JIC and *Amgen Inc. and Amgen Manufacturing Limited v. Apotex Inc. and Apotex Corp.*, Case No 0:15-CV-62081-JIC (collectively, the “Related Prior Actions”) that were pending before the Honorable James I. Cohn and have now been closed. The instant action was filed by Plaintiffs, Amgen Inc. and Amgen Manufacturing Limited (collectively, “Amgen) against Apotex on August 7, 2018 (the “Instant Action”). Amgen filed a similar Notice of Related Action in the Instant Action on August 8, 2018 (*See* D.E. 3).

The Instant Action and the Related Prior Actions:

- (1) are patent infringement lawsuits brought under the Biologics Price Competition and Innovation Act;
- (2) involve the same parties (and counsel of record);
- (3) involve the same accused biopharmaceutical products used in cancer treatment;

- (4) involve related patents at issue (the patent at issue in the Instant Action claims priority to the patent at issue in the Related Prior Actions and contains an identical patent specification and similar claims);
- (5) involve a related claim construction issue and specifically Defendants' assertion that collateral estoppel based on the Related Prior Actions; and
- (6) as a result, the Instant Action involves subject matter which is a material part of the subject matter of the Related Prior Actions.

In accordance with S. D. Fla. Internal Operating Procedure 2.15.00, Apotex respectfully submits that a transfer of the Instant Action to the Honorable James I. Cohn, who presided over the Related Prior Actions, would avoid the unnecessary duplication of judicial labor and promote judicial economy.

December 10, 2018

Respectfully submitted

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 10, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s/ Simeon D. Brier
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