IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING LIMITED,	)	
Plaintiffs,	)	
v.	)	C.A. No. 18-1064-CFC
HOSPIRA, INC. and PFIZER INC.,	)	**PUBLIC REDACTED VERSION**
Defendants.	)	

PLAINTIFFS' LETTER BRIEF TO THE HONORABLE COLM F. CONNOLLY IN SUPPORT OF MOTION TO STRIKE AND PRECLUDE DEFENDANTS' NEW ON-SALE/PUBLIC USE INVALIDITY THEORY

Dated: December 3, 2019

Dear Judge Connolly:

Plaintiffs (collectively, "Amgen") respectfully move to strike Defendants' (collectively, "Pfizer") belated on-sale / public use invalidity theory and supporting facts and documents from Pfizer's supplemental contentions (Ex. 1 at 57-62), supplemental Rule 26 disclosures (Ex. 2 at 4), and expert reports (Ex. 3 ¶¶ 138-176, Ex. 4 ¶¶ 206-244) and to preclude Pfizer from relying on such information. Pfizer first disclosed its new theory—and produced certain underlying documents—two weeks after the close of fact discovery. *See* Ex. 1; Ex. 5. Pfizer's new theory is based entirely on information that was in its control long before this action. The parties now dispute: (1) whether Pfizer may raise new invalidity theories after the fact discovery cutoff; and (2) whether Pfizer's belated disclosure prejudices Amgen where Pfizer's disclosure opens up a vast amount of new factual information for discovery, much of which is located outside the United States.

Pfizer's Disclosure Was Untimely. Pfizer's decision to delay disclosure of information within its control until after the September 27, 2019 close of fact discovery supports preclusion of its new theory. *See, e.g.*, *Primos, Inc. v. Hunter's Specialties, Inc.*, 451 F.3d 841, 851 (Fed. Cir. 2006). Under Pfizer's new theory, the entity that allegedly made the pre-2008 invalidating sale is PLIVA Croatia Ltd. ("PLIVA"). PLIVA was acquired by United States company Barr Laboratories ("Barr") in 2006. Ex. 6. Barr was acquired by Israeli company Teva Pharmaceutical Industries Ltd. ("Teva") in 2008. Ex. 7. Then in 2009, Defendant Hospira acquired "worldwide rights to the biogeneric version of filgrastim and a biologic manufacturing facility" from PLIVA—then a subsidiary of Teva; and Pfizer acquired Hospira in 2015. Ex. 8, 9. This lawsuit was filed in 2018. Thus, the facts underlying Pfizer's new theory were long within its control. Nevertheless, Pfizer waited until after the close of fact discovery to disclose this new theory, the fact witnesses with knowledge of the new theory, and certain documents underlying the new theory. Ex. 10 at 23-31. Specifically, Pfizer first disclosed its new theory in its supplemental contentions on October 11, and produced documents underlying the new theory the same day. Ex. 1 at 57-62; Ex. 5. And Pfizer disclosed additional facts relating to the alleged sales / public uses in its November 6 expert reports. Ex. 3, 4 (again relying on documents produced on October 11). Pfizer then served amended Rule 26 disclosures on November 12 identifying a new fact witness for the new theory (Domagoj Runac in Croatia). *See* Ex. 2 at 4. It is improper for Pfizer to reopen fact discovery now.

Pfizer has never claimed that it was not aware of this invalidity theory before the close of fact discovery. Instead, Pfizer asserts that it is entitled to disclose new invalidity theories after the close of fact discovery and to reopen fact discovery by producing new documents and fact witnesses for deposition during expert discovery. Ex. 11 at 12. Amgen disagrees. Pfizer's approach makes meaningless the Court ordered fact discovery deadlines, turns the purpose of patent rule disclosures "on its head," and is contrary to the law of this district. *See, e.g.*, *Vehicle IP, LLC v. Werner Enters., Inc.* No. 10-cv-503-SLR, D.I. 209 at 1 & n.1 (D. Del. Sept. 20, 2013) (Robinson, J.). This Court requires early contentions in patent cases precisely so that the parties receive early notice of the parties'

substantive theories and accompanying documents. *See* Form Scheduling Order For Patent Cases §§ 3-6 (D. Del. Apr. 22, 2019). And the Scheduling Order in this case provided for supplemental contentions only so that "[e]ach side may supplement ***the foregoing contentions***," *i.e.*, supplementing previously disclosed theories. D.I. 26 § 3.f.iii (emphasis added). That was not an implicit invitation to reopen fact discovery and force an extension of the case schedule.

The Belated Disclosure Prejudices Amgen. The first *Pennypack* factor—prejudice to Amgen—strongly favors exclusion. *See Bridgestone Sports Co. Ltd v. Acushnet Co.*, No. 05-132, 2007 WL 521894, at *4 (D. Del. Feb. 15, 2007). Pfizer's new theory is that the asserted claims are invalid because the invention was on-sale over one year before the critical date of June 25, 2008; or was publicly known or used before the claimed invention date. Ex. 1 at 57-62. Both prongs of this new theory implicate specific facts that were not explored during fact discovery because they were not relevant to any then-disclosed invalidity theories. For example, to succeed on its on-sale theory, Pfizer must show by clear and convincing evidence that (1) a sale or offer for sale occurred, (2) the sale was in the United States, and (3) the invention was ready for patenting. *Pfaff v. Wells Elecs., Inc.*, 525 U.S. 55, 67 (1998). Those elements turn on specific facts, such as whether the parties exchanged price and quantity terms, and whether the intention of the parties was experimental, rather than commercial, uses. *See Grp. One Ltd v. Hallmark Cards, Inc.*, 254 F.3d 1042, 1047-49 (Fed. Cir. 2001). It also turns on situs of the sale or offer, *e.g.*, the location of substantial activities of the alleged offer, the terms and provisions of the agreement, the location of the signatories, place where legal title passed, and place of manufacture. *See Halo Elecs. v. Pulse Elecs. Inc.*, 769 F.3d 1371, 1379-80 (Fed. Cir. 2014), *vacated on other grounds*, 136 S. Ct. 1923 (2016). Also, experimental uses are not an invalidating activity. *See Polara Eng'g v. Campbell Co.*, 894 F.3d 1339, 1348-51 (Fed. Cir. 2018).

Pfizer's supplemental contentions identify two allegedly invalidating activities: (1) an alleged sale via a March 30, 2005 Development, Supply, and Marketing Agreement ("Agreement") signed by third parties PLIVA in Croatia, PAM Vagyonkezelö Kft ("PAM") in Hungary, and Barr in the United States; and (2) [redacted], which are allegedly infringing sales as well as allegedly evidence that the claimed invention was "publicly known or used." Notably, Pfizer did not produce the Agreement or documents evidencing those shipments until after the close of fact discovery. Ex. 1 at 57-62; Ex. 5. Further, those documents leave open questions—and do not address all issues—as to whether there was an invalidating activity. [redacted]

[redacted] Ex. 12 at 2, 17.

Amgen is prejudiced because Pfizer's belated new contentions, disclosures, and expert reports contain significant deficiencies and also raise numerous factual issues that require investigation. Had Pfizer timely disclosed its new invalidity theory, Amgen would have pursued the discovery it sent Pfizer on October 23, 2019, *e.g.*, PLIVA's manufacturing process, whether there was a sale or offer for sale within the United States, whether the allegedly-sold invention was ready for patenting, and whether the alleged activities were for experimental use. *See* Ex. 11 at 13-20. Amgen also would have sought discovery from third-parties PAM, Barr, SRI, and MDS as to their transactions. Amgen was not able to take such discovery during fact discovery. Even if Pfizer produced certain documents that mention Barr and PLIVA during fact discovery, it was not Amgen's obligation to divine Pfizer's invalidity theories from Pfizer's production. Indeed, the Barr-PLIVA Agreement and shipment documents that Pfizer relies upon as evidence of the alleged sales and public uses were not produced during fact discovery.

Pfizer offered two depositions in December in Croatia, and a possible document production one week earlier. This fails to cure the prejudice to Amgen. Ex. 11 at 11. Pfizer has not agreed to produce all of the relevant discovery, and Pfizer has made no proposal that would provide Amgen with the relevant third-party discovery. Limiting deposition discovery to two witnesses selected by Pfizer (including the previously undisclosed fact witness Domagoj Runac) illustrates the prejudice to Amgen: Amgen could not depose the individuals or organizations that it believes possess relevant information. And taking depositions in Croatia just before Amgen's responsive expert report on validity is due on December 18 is burdensome, inconvenient, and not practicable under the case schedule.

The Other *Pennypack* Factors Favor Exclusion. Amgen cannot cure the prejudice caused by Pfizer's belated disclosure: fact discovery is closed, the relevant information is outside Amgen's control, and the parties are in the midst of expert discovery. The extensive discovery required by Pfizer's disclosure of this new theory—including from third-parties in Croatia and Hungary—would disrupt the trial schedule; the "loss of the current trial date" further prejudices Amgen. *Fairchild Semiconductor Corp. v. Power Integrations Inc.*, No. 12-540, D.I. 162 (D. Del. Oct. 22, 2014). Also, regardless of whether Pfizer proceeded in bad faith, Pfizer "did willfully proceed on timing in conflict with the Court's scheduling order for fact discovery." *Id.* Lastly, Pfizer has asserted numerous invalidity theories; thus, "exclusion of this evidence will not cripple [its] invalidity case." *Bridgestone*, 2007 WL 521894, at *4.

Respectfully,

/s/ Robert W. Whetzel

Robert W. Whetzel (#2288)

Cc: Counsel of Record (via CM/ECF & E-Mail)
Attachments

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	C.A. No. 18-cv-01064 CFC **CONFIDENTIAL PURSUANT TO STIPULATED PROTECTIVE ORDER**

DEFENDANTS HOSPIRA, INC. AND PFIZER INC.'S
SUPPLEMENTAL INVALIDITY CONTENTIONS FOR U.S. PATENT NO. 9,643,997

[redacted]

Dated: October 11, 2019

/s/ Arthur G. Connolly, III

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EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	C.A. No. 18-cv-01064-CFC

DEFENDANTS' SECOND AMENDED DISCLOSURES PURSUANT TO RULE 26(a)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE AND THE DELAWARE DEFAULT STANDARD FOR DISCOVERY

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Paragraph 3 of the Default Standard for Discovery, Defendants Hospira, Inc. and Pfizer Inc. (collectively, "Defendants"), by and through their attorneys, hereby provide the following amended disclosures to Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited (collectively, "Plaintiffs").

These disclosures are based upon information reasonably and presently available to Defendants. Defendants do not represent that they have identified every document, tangible thing, or witness that may support their claims or defenses in this action. Defendants reserve the right to supplement and/or amend these disclosures pursuant to Rule 26(e) as necessary upon further investigation and discovery in this action. Further, these disclosures are not intended to waive, and do not waive, any right to object to the production of any document or tangible thing on the basis of any privilege or immunity, undue burden, or any other objection supported by the Federal Rules of Civil Procedure, the Local Rules, or any other applicable Rules or Orders.

Defendants' disclosures are also made without waiving: (1) the right to object to the production and/or use of any such information, in whole or in part, on any grounds, including, but not limited to, competency, privilege, relevancy, materiality, or hearsay; (2) the right to object to the use of any such information, in whole or in part, for any purpose, in any subsequent proceeding in this action or in any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery request in this or any other action involving or relating to the subject matter of these disclosures.

Pursuant to paragraph 3(c) of the Delaware Default Standard for Discovery, Defendants state that they are not presently aware of any issues relating to any electronically stored information ("ESI") that a party asserts is not reasonably accessible under Fed. R. Civ. P. 26(b)(2)(C)(i) other than back-up data and the categories of ESI identified in Schedule A of the Delaware Default Standard for Discovery. Defendants intend to pursue the deposition of at least one third party after the fact discovery deadline. Defendants do expect that documents and/or other information will need to be redacted and/or withheld during discovery to comply with United States health privacy laws and/or foreign privacy laws.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

Based on information currently available to Defendants, and pursuant to Fed. R. Civ. P. 26(a)(1)(A), Defendants list the following individuals who are likely to have discoverable information that Defendants may use to support their claims or defenses. These individuals are identified by name, title, role in the instant dispute, and the subject matter of the information. In identifying these individuals, Defendants are not representing that these individuals, in fact, have relevant information, nor that each such individual should be subject to discovery in this case. This

information is based on Defendants' investigation to date, and Defendants reserve the right to supplement or amend this disclosure as the case progresses.

	Name	Title/Role	Subject Matter
1.	Goran Valinger	Director of Technical Support, Hospira	Manufacturing of Defendants' filgrastim product.
2.	Neeti Arora	Senior Manager, Global Regulatory Affairs, Pfizer	Regulatory affairs for Defendants' filgrastim product.
3.	Marko Vuletić	Quality Director, Hospira Zagreb	Manufacturing and testing of Defendants' filgrastim product.
4.	Robert Williford	Quality Director, Hospira (Former Employee)	Manufacturing and testing of Defendants' filgrastim product.
5.	Sarah Kiehna	Principal Scientist, Pfizer (Former Employee)	Research, development, and testing of Defendants' filgrastim product.
6.	Martin Summers	Biosimilars Development Asset Lead, Pfizer	Program management of Defendant's filgrastim product.
7.	Sarah Landis	Technical Product Leader, Pfizer	Research, development, and testing of Defendants' filgrastim product.
8.	Elizabeth Burns	Senior Director, Global Biosimilars Portfolio Team Leader, Pfizer	Commercialization, sales, and marketing of Defendants' filgrastim product.
9.	Robert Repetto	Director, Global Launch Operations, Pfizer	Manufacturing of Defendants' filgrastim product.
10.	Sanjay Kamat	Associate Director, Hospira (Former Employee)	Manufacturing of Defendants' filgrastim product.
11.	Barry Chester	Director, Oncology Supportive Care Marketing, Pfizer	Sales and marketing of Defendants' filgrastim product.
12.	Ravi Pherwani	Senior Director, US Team Leader Oncology Biosimilars, Pfizer	Sales and marketing of Defendants' filgrastim product.
13.	Nicolas J. Ciccone	Senior Financial Analyst, US Biosimilars, Pfizer	Sales and marketing of Defendants' filgrastim product.

	Name	Title/Role	Subject Matter
14.	Domagoj Runac	Managing Director & Site Leader, Hospira Zagreb	Manufacturing, testing, commercialization, and sales of Defendants' filgrastim product.

Pursuant to paragraph 3(a) of the Delaware Default Standard for Discovery, Defendants have previously identified the following individuals as the 10 custodians who are most likely to have discoverable information in their possession, custody, or control.

	Name	Title/Role	Subject Matter
1.	Goran Valinger	Director of Technical Support, Hospira	Manufacturing of Defendants' filgrastim product.
2.	Neeti Arora	Senior Manager, Global Regulatory Affairs, Pfizer	Regulatory affairs for Defendants' filgrastim product.
3.	Marko Vuletić	Quality Director, Hospira Zagreb	Manufacturing and testing of Defendants' filgrastim product.
4.	Robert Williford	Quality Director, Hospira (Former Employee)	Manufacturing and testing of Defendants' filgrastim product.
5.	Sarah Kiehna	Principal Scientist, Pfizer (Former Employee)	Research, development, and testing of Defendants' filgrastim product.
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9.	Robert Repetto	Director, Global Launch Operations, Pfizer	Manufacturing of Defendants' filgrastim product.
10.	Sanjay Kamat	Associate Director, Hospira (Former Employee)	Manufacturing of Defendants' filgrastim product.

The above-identified individuals may be contacted only through White & Case LLP, 1221 Avenue of the Americas, New York, NY 10020. In addition, any other current or former

Dated: November 12, 2019

/s/ Stephanie S. Riley
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Stephanie S. Riley (#5803)
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EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	C.A. No. 18-1064-CFC **CONFIDENTIAL PURSUANT TO STIPULATED PROTECTIVE ORDER**

EXPERT REPORT OF ALOIS JUNGBAUER, Ph.D.

_____

Alois Jungbauer, Ph.D.

Dated: November 6, 2019

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	C.A. No. 18-1064-CFC **CONFIDENTIAL PURSUANT TO STIPULATED PROTECTIVE ORDER**

EXPERT REPORT OF TODD M. PRZYBYCIEN, Ph.D.

Todd M. Przybycien, Ph.D.
Dated: November 6, 2019

EXHIBIT 5

WHITE & CASE

October 11, 2019

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Jennifer Wu
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Re: *Amgen Inc., et al. v. Hospira, Inc., et al.,* Docket No. 1:18-cv-01064-CFC (D. Del.)

Dear Jennifer:

Defendants Hospira, Inc. and Pfizer Inc. ("Defendants") hereby produce volumes HOS-FILG_025 - HOS-FILG_029. These production volumes may be extracted from the FTP site used for prior productions. Production volume HOS-FILG_026 encompasses the following Bates range: HOS-FILG-01822766 - HOS-FILG-01849476. Production volume HOS-FILG_027 encompasses the following Bates range: HOS-FILG-01849477 - HOS-FILG-01851880. Production volume HOS-FILG_029 encompasses the following Bates range: HOS-FILG-01851881 - HOS-FILG-01856596. Production volumes HOS-FILG_025 and HOS-FILG_028 encompass replacement versions of documents previously produced and are therefore produced with suffixed Bates.

Defendants produce these documents pursuant to the Scheduling Order and the Default Standard for Discovery, Including Discovery of Electronically Stored Information. Documents in this production have been designated and should be treated as "Confidential" pursuant to the Stipulated Protective Order.

Defendants reserve the right to supplement their document productions and their privilege log, and to assert objections to Plaintiffs' discovery requests. Defendants' production of this material shall not be deemed a waiver of any objections or claims of attorney-client privilege, work product protection, or any other applicable privilege or protection.

Sincerely,

Alison Hanstead

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Attachment

cc: Counsel of Record

WHITE & CASE

October 11, 2019

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Re: *Amgen Inc., et al. v. Hospira, Inc., et al.,* Docket No. 1:18-cv-01064-CFC (D. Del.)

Dear Jennifer:

Defendants Hospira, Inc. and Pfizer Inc. ("Defendants") hereby produce volume HOS-FILG_30. This production volume encompasses the following Bates range: HOS-FILG-01856597- HOS-FILG-01856653.

Defendants produce these documents pursuant to the Scheduling Order and the Default Standard for Discovery, Including Discovery of Electronically Stored Information.

Defendants reserve the right to supplement their document productions and their privilege log, and to assert objections to Plaintiffs' discovery requests. Defendants' production of this material shall not be deemed a waiver of any objections or claims of attorney-client privilege, work product protection, or any other applicable privilege or protection.

Sincerely,

Alison Hanstead

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Attachment

cc: Counsel of Record

EXHIBIT 6

Barr Completes Payment for PLIVA Shares

Zagreb, Croatia, 24 October 2006 – PLIVA d.d. (LSE: PLVD, ZSE: PLVA-R-A) announced today that Barr's European subsidiary has finalized the legal and regulatory requirements to acquire PLIVA. Under the terms of Barr's formal $2.5 billion cash tender offer, Barr made a payment of HRK 820 per share for all shares tendered during the offer period. The transaction has closed with 17,056,977 shares being tendered as part of the process, representing 92% of PLIVA's total share capital being tendered to Barr. With the addition of the Treasury Shares held by PLIVA, Barr now owns or controls in excess of 95% of PLIVA's voting share capital.

Barr has indicated its intention to utilize the provisions provided for under Croatian law to acquire the remaining outstanding shares from minority shareholder interests and will immediately undertake the necessary steps to initiate the purchase of these shares at HRK 820 per share, the same price offered to shareholders during the formal tender period. The duration of this process and the subsequent pay out to remaining shareholders is expected to take up to four months.

On behalf of PLIVA's Supervisory Board, President Massimo Armanini commented: "We are very pleased with the successful conclusion of this transaction between Barr and PLIVA, which has resulted in a strategic combination that has created the third largest generic pharmaceutical company across the globe. The level of professionalism and integrity displayed during this bidding process has delivered a result which has created significant value for PLIVA's shareholders as well as for all its stakeholders. Barr's HRK 820 purchase price per share marks the end of a transparent and competitive process, which represents a landmark transaction in Central and Eastern Europe and which can only serve as an example for other transactions in the industry."

"PLIVA was the first manufacturing company from Central and Eastern Europe to be listed on the London Stock Exchange in 1996, which set the path for its intensive investment cycle and strong international expansion progressing from a total revenue base of around USD 400 million in 1995 to almost USD 1.2 billion in 2005. The timing of this combination is particularly symbolic as it marks the ten year anniversary of PLIVA's listing on the Zagreb and London Stock Exchanges, a period during which PLIVA has successfully transformed itself into a global generic pharmaceutical company and created significant value for its shareholders. The combination of these two strong companies now brings a successful end to this period in PLIVA's history, one in which we, the Supervisory Board, have been honored to participate, that we believe has secured the best long-term future for both PLIVA's employees and its operations."

More information about PLIVA can be found at www.pliva.com

For additional information, please contact:

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This release contains certain "forward-looking statements", relating to the Group's business, which can be identified by the use of forward-looking terminology such as "will", "planned", "expectations", "forecast" or similar expressions, or by discussions of strategy, plans or intentions. Such statements include descriptions of new products expected to be introduced or have been introduced by the Group companies and anticipated customer demand for such products. Such statements reflect the current views of the Group with respect to future events and are subject to certain risks, uncertainties and assumptions. Many factors could cause the actual results, performance or achievements of the Group to be materially different from any future results that may be expressed or implied by such forward-looking statements.

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NEWS RELEASE

Barr Acquires PLIVA d.d. Following Official Closing of Tender Offer Process

Central Depository Agency Final Results Show That 92% of Shares Were Tendered to Barr

Woodcliff Lake, NJ - October 20, 2006… Barr Pharmaceuticals, Inc. (NYSE: BRL) and PLIVA d.d. (LSE: PLVD; ZSE: PLVA-R-A) today announced that the Central Depository Agency ("CDA") has issued the final results of the tender process and that 17,056,977 shares, representing 92% of PLIVA's share capital, have been tendered to Barr's European subsidiary. Under the terms of Barr's formal $2.5 billion cash tender offer, Barr will make a payment of HRK 820 per share for all shares tendered during the offer period. The transaction is expected to close by October 25, 2006, by which date Barr will make payment for the tendered shares. All shareholders who tendered their shares will receive this payment within five business days of closing. Upon settlement, PLIVA d.d. will become a subsidiary of Barr Pharmaceuticals, Inc.

The combination of Barr Pharmaceuticals and PLIVA creates the third largest global generic pharmaceutical company, based on revenue. The combined company will have a presence in over 30 countries and will employ approximately 8,000 people. It will have annual revenue of approximately $2.4 billion and will be traded under the BRL symbol on the New York Stock Exchange.

"This transaction transforms the two companies into a single, global player with more than 120 generic and 25 proprietary products in the U.S., and more than 550 products in Western and Eastern Europe," said Bruce L. Downey, Barr's Chairman and Chief Executive Officer. "We will have a combined annual investment in new product research and development of more than $200 million, and more than 200 pharmaceutical products in development. In addition, this acquisition provides Barr with access to new drug delivery technologies, the benefit of vertical integration with an active pharmaceutical ingredient capability, and a very strong position in the biopharmaceutical arena. Together, we will have strong cash flow and a strong balance sheet that will enable us to pay down the debt associated with this transaction while continuing to invest in expanding our infrastructure in Europe and the U.S., and in new product development."

"We will now turn to the integration of our two companies to ensure that we efficiently capture synergies, and rapidly capitalize on the combined strengths of both companies while meeting our commitments to grow the company to the benefit of our customers, shareholders and employees," Downey continued.

"The combination of our two organizations will be supported by a global team of 8,000 highly skilled and dedicated employees who are committed to the future of our new company. We anticipate that this combination will not only ensure a strong future for the people of PLIVA, and the communities in which it operates, but enable us to offer a wider range of quality products to consumers in Europe and the U.S., and capitalize on opportunities in the markets of Eastern Europe, and around the world," said Željko Čović, PLIVA's President of the Management Board and Chief Executive Officer. "The entire PLIVA team is looking forward to working with the people of Barr to integrate our operations, and to take our combined company to even greater success. It is an honor for us to be part of the Barr team, and we look forward to what our two companies will be able to accomplish as the world's third largest generic pharmaceutical company."

The global headquarters of the company will be located at the Barr Pharmaceuticals, Inc. facility in Woodcliff Lake, New Jersey. European operations of the new company will continue to be centered in Zagreb, Croatia. The parent company, Barr Pharmaceuticals, Inc., will continue to be led by Bruce Downey, Chairman and Chief Executive Officer, and Paul Bisaro, President and Chief Operating Officer. Paul Bisaro will continue to lead the company's U.S. generic business segment as President and Chief Operating Officer of Barr Laboratories, Inc. Željko Čović will lead PLIVA d.d., the European pharmaceutical operations, as President of the Management Board and Chief Operating Officer. Fred Wilkinson, President and Chief Operating Officer of Duramed Pharmaceuticals, Inc., will lead the proprietary products business. William McKee will continue as Chief Financial Officer of Barr Pharmaceuticals, and Frederick Killion will continue as General Counsel of Barr Pharmaceuticals.

As Barr previously announced, Barr is changing its fiscal year-end to December 31st, effective for the period beginning January 1, 2007, to be more consistent with industry standards. As a result, Barr will report consolidated financial results for both companies with its December 31, 2006 results. Barr plans to provide calendar 2007 guidance for the combined company when it reports results for the December 31, 2006 quarter in February 2007.

Barr expects the transaction to be neutral to slightly accretive to its internal calendar 2007 earnings estimates and accretive to its internal calendar 2008 earnings estimates, excluding synergies and cost savings, charges associated with the transaction and the impact of amortization of intangible assets related to this transaction. Barr expects the combination to generate short-term cost savings and provide long-term cost benefits resulting from improved manufacturing efficiencies, lower manufacturing costs, lower product development costs and tax savings. Net pre-tax cost savings are estimated to be approximately $20 million in calendar 2007, $70 million in calendar 2008, and growing to in excess of $100 million by calendar 2009.

In addition, long-term synergies and cost savings per year are projected to continue to increase as Barr further utilizes the expanded capabilities of the combined organization.

Barr is financing the transaction and related costs with a portion of Barr's cash reserves, and new debt of approximately $2.3 billion under long-term and short-term facilities. The $2.3 billion debt amount, which bears interest at LIBOR plus 75 basis points, includes $2.0 billion in the form of a five-year term facility and $300 million in the form of a 364-day term facility. As of June 30, 2006, Barr had over $600 million in cash and marketable securities and approximately $15 million of debt outstanding.

Conference Call/Webcast
The Company also announced it will host a conference call with PLIVA at 8:30 AM Eastern time on Friday, October 20th to discuss the closing of the transaction following the issuance of the final results of the tender process by CDA on October 19, 2006. The number to call from within the United States is (800) 288-8960, and (651) 224-7558 Internationally. A replay of the conference call will be available from 12 Noon Eastern time on October 20th through 11:59 PM Eastern time on October 22nd, and can be accessed by dialing (800) 475-6701 in the United States or (320) 365-3844 Internationally and using the access code 845063.

The Conference Call will also be Webcast live on the Internet. Investors and other interested parties may access the live webcast through the Investors section, under Calendar of Events, on Barr's website at www.barrlabs.com or PLIVA's website at www.pliva.com.

About PLIVA d.d.
PLIVA, established in 1921, is a global generic pharmaceutical company with operations in more than 30 countries worldwide. It is the leading pharmaceutical company based in Central and Eastern Europe (CEE) and has been listed on the Zagreb and London Stock Exchanges since 1996. PLIVA specializes in the development, production and distribution of generic pharmaceutical products, including biologicals, cytostatics, and other value-added generics, as well as active pharmaceutical ingredients.

About Barr Pharmaceuticals, Inc.
Barr Pharmaceuticals, Inc., a holding company that operates through its principal subsidiaries, Barr Laboratories, Inc. and Duramed Pharmaceuticals, Inc., is engaged in the development, manufacture and marketing of generic and proprietary pharmaceuticals.

Forward-Looking Statements
Except for the historical information contained herein, the statements made in this press release constitute forward-looking statements within the meaning of Section 27A of the Securities Act of 1933 and Section 21E of the Securities Exchange Act of 1934. Forward-looking statements can be identified by their use of words such as "expects," "plans," "projects," "will," "may," "anticipates," "believes," "should," "intends," "estimates" and other words of similar meaning. Because such statements inherently involve risks and uncertainties that cannot be

predicted or quantified, actual results may differ materially from those expressed or implied by such forward-looking statements depending upon a number of factors affecting the Company's business. These factors include, among others: the difficulty in predicting the timing and outcome of legal proceedings, including patent-related matters such as patent challenge settlements and patent infringement cases; the outcome of litigation arising from challenging the validity or non-infringement of patents covering our products; the difficulty of predicting the timing of FDA approvals; court and FDA decisions on exclusivity periods; the ability of competitors to extend exclusivity periods for their products; our ability to complete product development activities in the timeframes and for the costs we expect; market and customer acceptance and demand for our pharmaceutical products; our dependence on revenues from significant customers; reimbursement policies of third party payors; our dependence on revenues from significant products; the use of estimates in the preparation of our financial statements; the impact of competitive products and pricing on products, including the launch of authorized generics; the ability to launch new products in the timeframes we expect; the availability of raw materials; the availability of any product we purchase and sell as a distributor; the regulatory environment; our exposure to product liability and other lawsuits and contingencies; the increasing cost of insurance and the availability of product liability insurance coverage; our timely and successful completion of strategic initiatives, including integrating companies and products we acquire and implementing our new enterprise resource planning system; fluctuations in operating results, including the effects on such results from spending for research and development, sales and marketing activities and patent challenge activities; the inherent uncertainty associated with financial projections; changes in generally accepted accounting principles; and other risks detailed from time-to-time in our filings with the Securities and Exchange Commission, including in our Annual Report on Form 10-K for the fiscal year ended June 30, 2006.

The forward-looking statements contained in this press release speak only as of the date the statement was made. The Company undertakes no obligation (nor does it intend) to publicly update or revise any forward-looking statements, whether as a result of new information, future events or otherwise, except to the extent required under applicable law.

[EDITOR'S ADVISORY: Barr Pharmaceuticals, Inc. news releases are available free of charge through PR Newswire's News On-Call site at. Barr news releases and corporate information are also available on Barr's website (www.barrlabs.com). For complete indications, warnings and contraindications, contact Barr's Drug Information Department at 1-800-Barr Lab. All trademarks referenced herein are the property of their respective owners.]

# # #

EXHIBIT 7

TEVA PHARMACEUTICAL INDUSTRIES LTD.

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For Immediate Release

TEVA COMPLETES ACQUISITION OF BARR

-- Transaction Extends Teva's Leadership in the U.S. and Key Global Markets; Strengthens Balance Business Model and Enhances Growth Potential --

Jerusalem, Israel, December 23, 2008 – Teva Pharmaceutical Industries Ltd. (NASDAQ: TEVA) announced today that it has completed its acquisition of Barr Pharmaceuticals, Inc. (NYSE: BRL). The combined company will have a significant presence in over 60 countries and generated approximately $13.6 billion in revenues on a pro-forma basis for the twelve months ended September 30, 2008.

"This is truly an exciting day for us," said **Shlomo Yanai, President and CEO of Teva**. "By combining two industry-leading companies, we have established a stronger, more competitive company with increased scale and an expanded geographic footprint with significant potential for growth. With a highly complementary generics business in the U.S. which extends our product portfolio and pipeline into new and attractive product categories, a substantial women's healthcare business which broadens our specialty pharmaceutical business and a significant presence in key global growth markets, Barr strengthens our balanced business model and enhances our growth potential."

Mr. Yanai added, "We welcome the employees and management teams of Barr and its subsidiary PLIVA to the Teva family and, based on our past experiences, we anticipate a successful integration that will maximize value creation. We have an opportunity to incorporate the best practices of both of our companies to create additional prospects for growth and to deliver long term value for our stakeholders worldwide."

Bruce Downey, Chairman and Chief Executive Officer of Barr, said, "Over the past few months since the announcement, the management teams of the companies have

been working on plans to ensure a seamless and successful integration. Following the closing of the transaction, the work of combining the strengths and capabilities of both companies will begin. The merger will further enhance Teva's ability to meet the emerging needs of the global generic pharmaceutical marketplace. We are proud to join the Teva family and believe that the combined company will benefit the healthcare system globally as well as Teva's shareholders, customers and employees."

On December 23, 2008, Barr became a wholly owned subsidiary of Teva and ceased to be traded on the New York Stock Exchange. Pursuant to the merger agreement between the parties, each share of Barr common stock has been converted into the right to receive $39.90 in cash and 0.6272 Teva ADSs. Share exchange instructions and a letter of transmittal will be mailed to Barr shareholders shortly.

As previously announced, Teva expects the acquisition to become accretive in the fourth quarter of 2009.

Following the closing, Teva will become PLIVA's new owner. Now, with access to Teva's broad portfolio, Pliva will become even stronger and increase its standing as the number one pharmaceutical company in Croatia with a much wider offering of products to support the Croatian healthcare system.

Teva's structure is a combination of regional functions: North America, Europe and International; and resource functions: Global Generic Resources (GGR), Global Innovative Resources (GIR) and Teva Active Pharmaceutical Ingredients (TAPI).

As part of Teva's Global Generic Resources division, Pliva's Croatian Operations will gain further access to new markets, thereby becoming an international supplier of finished products and an important part of our global Operations.

In the new combined company, PLIVA's business in Croatia will be incorporated in the above mentioned structure of Teva. The integration process will begin on the date of closing and it will be led by the joint integration team. In order to realize the full potential of combined company, Teva has appointed management team in Croatia which will be headed by Matko Bolanča, MBA, President of the Management Board of Pliva Croatia Ltd. & General Manager of Pliva in Croatia. From Teva side, Bruno Barcelos has been appointed to the position of Coordinator for integration activities in Croatia. His role is to support the integration teams and local management in all aspects of the integration process.

Further information about the future organizational structure will be available by the end of the first quarter 2009 after a thorough review and planning needed for a successful integration process. All changes that are important to investors, business partners, customers and state authorities will be made public in a timely manner.

About Teva

Teva Pharmaceutical Industries Ltd., headquartered in Israel, is among the top 20 pharmaceutical companies in the world and is the world's leading generic pharmaceutical company. The Company develops, manufactures and markets generic and innovative human pharmaceuticals and active pharmaceutical ingredients, as well as animal health pharmaceutical products. Over 80 percent of Teva's sales are in North America and Europe.

Safe Harbor Statement under the U. S. Private Securities Litigation Reform Act of 1995:

The statements, analyses and other information contained herein relating to the proposed merger as well as other statements including words such as "anticipate," "believe," "plan," "estimate," "expect," "intend," "will," "should," "may" and other similar expressions, are "forward-looking statements" under the Private Securities Litigation Reform Act of 1995. Such statements are made based upon management's current expectations and beliefs concerning future events and their potential effects on Teva and on Barr.

Actual results may differ materially from the results anticipated in these forward-looking statements. Important factors that could cause or contribute to such differences include Teva's ability to rapidly integrate Barr's operations and achieve expected synergies, diversion of management time on merger-related issues, Teva's ability to accurately predict future market conditions, potential liability for sales of generic products prior to a final resolution of outstanding patent litigation, including that relating to the generic versions of Allegra®, Neurontin®, Lotrel®, Famvir® and Protonix®, Teva's ability to successfully develop and commercialize additional pharmaceutical products, the introduction of competing generic equivalents, the extent to which Teva may obtain U.S. market exclusivity for certain of their new generic products and regulatory changes that may prevent Teva from utilizing exclusivity periods, competition from brand-name companies that are under increased pressure to counter generic products, or competitors that seek to delay the introduction of generic products, the impact of consolidation of our distributors and customers, the effects of competition on our innovative products, especially Copaxone® sales, the impact of pharmaceutical industry regulation and pending legislation that could affect the pharmaceutical industry, the difficulty of predicting U.S. Food and Drug Administration, European Medicines Agency and other regulatory authority approvals, the regulatory environment and changes in the health policies and structures of various countries, our ability to achieve expected results though our innovative R&D efforts, Teva's ability to successfully identify, consummate and integrate acquisitions, potential exposure to product liability claims to the extent not covered by insurance, dependence on the effectiveness of our patents and other protections for innovative products, significant operations worldwide that may be adversely affected by terrorism, political or economical instability or major hostilities, supply interruptions or delays that could result from the complex manufacturing of our products and our global supply chain, environmental risks, fluctuations in currency, exchange and interest rates, and other factors that are discussed in Teva's Annual Report on Form 20-F, Barr's Annual Report on Form 10-K and their other filings with the U.S. Securities and Exchange Commission. Forward-looking statements speak only as of the date on which they are made, and neither Teva nor Barr undertakes no obligation to update publicly or revise any forward-looking statement, whether as a result of new information, future developments or otherwise.

EXHIBIT 8

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-K

☒ **ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 FOR THE FISCAL YEAR ENDED DECEMBER 31, 2009**

☐ **TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934.**

Commission File Number: 1-31946

HOSPIRA, INC.
(Exact name of registrant as specified in its charter)

Delaware	**20-0504497**
(State or other jurisdiction of incorporation or organization)	(I.R.S. Employer Identification No.)

275 North Field Drive
Lake Forest, Illinois 60045
(Address of principal executive offices, including zip code)

(224) 212-2000
(Registrant's telephone number, including area code)

Securities registered pursuant to Section 12(b) of the Act:

Title of Class	Name of Exchange on which each class is registered
Common Stock, par value $0.01 per share	New York Stock Exchange
Preferred Stock Purchase Rights	New York Stock Exchange

Securities registered pursuant to Section 12(g) of the Act: Common Stock: **None**

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes ☒ No ☐

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act. Yes ☐ No ☒

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strategy of challenging the intellectual property of proprietary pharmaceutical companies in an effort to be the first generic company to the market. Hospira is also actively working to develop and commercialize biosimilars products. In addition to the launch of Retacrit™ in the European Union in 2008, Hospira has also accomplished other significant milestones with biogenerics, including the submission of a dossier for marketing authorization to the European Union for filgrastim and the initiation of a Phase 1 study for pegfilgrastim, the long-acting version of filgrastim. Filgrastim and pegfilgrastim are used primarily in the treatment of neutropenia (low white blood cells) in patients who have received a chemotherapeutic agent. In 2009, Hospira acquired worldwide rights to the biogeneric version of filgrastim and a biologic manufacturing facility from PLIVA Hrvatska d.o.o. This is in alignment with Hospira's biogenerics strategy, which is to expand its biogenerics portfolio and capabilities with measured investment and risk. In 2008, Hospira entered into a process development and bulk drug manufacturing relationship with Human Genome Sciences ("HGS") for biogeneric products for the U.S. market. In the fourth quarter of 2009, Hospira entered into an agreement with Celltrion, Inc. and Celltrion Healthcare, Inc. to develop and market eight biogeneric molecules, five of which are new to Hospira's biogeneric portfolio. With the addition of the five incremental Celltrion biogenerics, Hospira's biogeneric pipeline has been expanded to eleven biogeneric products.

Hospira continues to invest in Precedex™ for expansion of clinical use and is seeking opportunities to selectively invest in various other proprietary systems and molecules that align with its business strategy. In 2009, Hospira and ChemGenex Pharmaceuticals Limited ("ChemGenex") entered into a collaborative agreement to develop, license, and commercialize a ChemGenex proprietary oncology product candidate in EMEA.

Hospira's key programs in the area of medication management systems include the development of advanced infusion platforms and systems, including its Hospira MedNet™ safety software system, and systems that emphasize ease of use for clinicians, including its Symbiq™ infusion pump. Hospira has entered into alliances with several leading information technology companies to develop interfaces that enable the Hospira MedNet™ system to be used with a variety of hospital information systems and to improve cost efficiencies in patient management. Hospira expects to continue entering into strategic alliances as part of its "open architecture system" strategy for the Hospira MedNet™ system. Hospira also has submitted a 510k application on the integration of its Symbiq™ pump with the EndoTool™ glucose management software system, while still offering the EndoTool™ on a stand alone basis. In addition, in 2009, Hospira acquired TheraDoc, Inc. and its Infection Control Assistant™ and Antibiotic Assistant™ products, software applications that automate hospital-wide surveillance for infection-related events and optimize the utilization of antimicrobials.

Hospira's research and development expenses were $240.5 million in 2009, $211.9 million in 2008 and $201.2 million in 2007.

As of December 31, 2009, Hospira operated 13 manufacturing facilities globally. Hospira's principal manufacturing facilities are identified in Item 2 of this report. Hospira's largest facilities, located in Rocky Mount, North Carolina; Austin, Texas; LaAurora, Costa Rica; McPherson, Kansas; and Mulgrave, Victoria, Australia, account for a significant portion of Hospira's manufacturing output. While Hospira has not experienced a significant interruption of manufacturing at those facilities, such an interruption could materially and adversely affect Hospira's ability to manufacture and sell its products.

Raw Materials and Components

While Hospira produces some raw materials, components and active pharmaceutical ingredients at its manufacturing sites, the majority are sourced on a global basis from third-party suppliers.

Although many of the raw materials and components Hospira uses to produce its products are readily available from multiple suppliers, Hospira relies on supply from a single source for many raw

EXHIBIT 9

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UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM 10-K

(Mark One)

☒ **ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**

For the fiscal year ended December 31, 2015

☐ **TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**

For the transition period from to

Commission file number 1-3619

PFIZER INC.

(Exact name of registrant as specified in its charter)

Delaware	**13-5315170**
(State or other jurisdiction of incorporation or organization)	(I.R.S. Employer Identification Number)
235 East 42nd Street New York, New York	**10017-5755**
(Address of principal executive offices)	(Zip Code)

(212) 733-2323

(Registrant's telephone number, including area code)

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Name of each exchange on which registered
Common Stock, $.05 par value	**New York Stock Exchange**

Securities registered pursuant to Section 12(g) of the Act:

None

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes ☒ No ☐

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act. Yes ☐ No ☒

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ☒ No ☐

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Website, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232-405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files.) Yes ☒ No ☐

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DEFINED TERMS

Unless the context requires otherwise, references to "Pfizer," "the Company," "we," "us" or "our" in this 2015 Form 10-K (defined below) refer to Pfizer Inc. and its subsidiaries. We also have used several other terms in this 2015 Form 10-K, most of which are explained or defined below:

2015 Financial Report	Exhibit 13 to this 2015 Form 10-K
2015 Form 10-K	Annual Report on Form 10-K for the fiscal year ended December 31, 2015
2016 Proxy Statement	Proxy Statement for the 2016 Annual Meeting of Shareholders
ACA	U.S. Patient Protection and Affordable Care Act, as amended by the Health Care Reconciliation Act
Allergan	Allergan plc
Alliance revenues	Revenues from Alliance agreements under which we co-promote products discovered by other companies
ANDA	Abbreviated New Drug Application
BLA	Biologics License Application
BMS	Bristol-Myers Squibb Company
cGMPs	current Good Manufacturing Practices
CFDA	China Food and Drug Administration
DEA	U.S. Drug Enforcement Agency
Developed Markets	U.S., Western Europe, Japan, Canada, Australia, Scandinavia, South Korea, Finland and New Zealand
EEA	European Economic Area
EFPIA	European Federation of Pharmaceutical Industries and Associations
EMA	European Medicines Agency
Emerging Markets	Includes, but is not limited to, the following markets: Asia (excluding Japan and South Korea), Latin America, Africa, Eastern Europe, Central Europe, the Middle East and Turkey
EU	European Union
Exchange Act	Securities Exchange Act of 1934, as amended
FCPA	U.S. Foreign Corrupt Practices Act
FFDCA	U.S. Federal Food, Drug and Cosmetic Act
FDA	U.S. Food and Drug Administration
FTC	U.S. Federal Trade Commission
GEP	Global Established Pharmaceutical segment
GIP	Global Innovative Pharmaceutical segment
Hospira	Hospira, Inc.
IPR&D	In-process Research and Development
IRS	U.S. Internal Revenue Service
ITRSHRA	Iran Threat Reduction and Syria Human Rights Act of 2012
I.V.	intravenous
LOE	Loss of Exclusivity
MCO	Managed Care Organization
NDA	New Drug Application
NYSE	New York Stock Exchange
OTC	over-the-counter

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PART I

ITEM 1. BUSINESS

GENERAL

Pfizer Inc. is a research-based, global biopharmaceutical company. We apply science and our global resources to bring therapies to people that extend and significantly improve their lives through the discovery, development and manufacture of healthcare products. Our global portfolio includes medicines, vaccines and medical devices, as well as many of the world's best-known consumer healthcare products. We work across developed and emerging markets to advance wellness, prevention, treatments and cures that challenge the most feared diseases of our time. We collaborate with healthcare providers, governments and local communities to support and expand access to reliable, affordable healthcare around the world. Our revenues are derived from the sale of our products and, to a much lesser extent, from alliance agreements, under which we co-promote products discovered by other companies. The majority of our revenues come from the manufacture and sale of biopharmaceutical products. The Company was incorporated under the laws of the State of Delaware on June 2, 1942.

On November 23, 2015, we announced that we have entered into a definitive merger agreement with Allergan, a global pharmaceutical company incorporated in Ireland, under which we have agreed to combine with Allergan in a stock transaction valued at $363.63 per Allergan share, for a total enterprise value of approximately $160 billion, based on the closing price of Pfizer common stock of $32.18 on November 20, 2015 (the last trading day prior to the announcement) and certain other assumptions. Allergan shareholders will receive 11.3 shares of the combined company for each of their Allergan shares by virtue of a share split, and Pfizer shareholders will have the option of receiving one share of the combined company for each of their Pfizer shares or receiving cash instead of shares of the combined company for some or all of their Pfizer shares, provided that the aggregate amount of cash to be paid in the merger will not be less than $6 billion or greater than $12 billion. In the event that elections to receive cash and shares in the merger would otherwise result in an aggregate of less than $6 billion or greater than $12 billion of cash being paid out in the merger, then the share elections and cash elections will be subject to proration. The completion of the transaction, which is expected in the second half of 2016, is subject to certain conditions, including receipt of regulatory approval in certain jurisdictions, including the U.S. and EU, the receipt of necessary approvals from both Pfizer and Allergan shareholders, and the completion of Allergan's pending divestiture of its generics business to Teva Pharmaceuticals Industries Ltd. Subject to the terms and conditions of the merger agreement, the businesses of Pfizer and Allergan will be combined under a single company and Pfizer would become a wholly-owned subsidiary of Allergan, which is organized under the laws of Ireland and which, subject to the approval by Allergan shareholders, will be renamed "Pfizer plc." For further discussion on the pending Allergan combination, see the *Overview of Our Performance, Operating Environment, Strategy and Outlook—Our Business* section in our 2015 Financial Report.

On September 3, 2015, we acquired Hospira, a leading provider of sterile injectable drugs and infusion technologies as well as a provider of biosimilars, for approximately $16.1 billion in cash ($15.7 billion, net of cash acquired). Hospira is now a subsidiary of Pfizer. The combination of local Pfizer and Hospira entities may be pending in various jurisdictions and integration is subject to completion of various local legal and regulatory steps. For additional information, see the Notes to Consolidated Financial Statements—*Note 2A. Acquisitions, Licensing Agreements, Collaborative Arrangements, Divestitures, Equity-Method Investments and Cost-Method Investment: Acquisitions* in our 2015 Financial Report.

On June 24, 2013, we completed the full disposition of our Animal Health business. For additional information, see the Notes to Consolidated Financial Statements—*Note 2D. Acquisitions, Licensing Agreements, Collaborative Arrangements, Divestitures, Equity-Method Investments and Cost-Method Investment: Divestitures* in our 2015 Financial Report.

For a further discussion of our strategy and our business development initiatives, see the *Overview of Our Performance, Operating Environment, Strategy and Outlook—Our Strategy* and *—Our Business Development Initiatives* sections in our 2015 Financial Report.

Our businesses are heavily regulated in most of the countries in which we operate. In the U.S., the principal authority regulating our operations is the FDA. The FDA regulates the safety and efficacy of the products we offer and our research, quality, manufacturing processes, product promotion, advertising and product labeling. Similar regulations exist in most other countries, and in many countries the government also regulates our prices. In the EU, the EMA regulates the scientific evaluation, supervision and safety monitoring of our products, and employs a centralized procedure for approval of drugs for the EU and EEA countries. In Japan, the PMDA is involved in a wide range of regulatory activities, including clinical studies, approvals, post-marketing reviews and pharmaceutical safety. Health authorities in many middle and lower income countries require marketing approval by a recognized regulatory authority, such as the FDA or EMA, before they begin to conduct their application review process and/or issue their final approval. For additional information, see *Government Regulation and Price Constraints* below.

Note: Some amounts in this 2015 Form 10-K may not add due to rounding. All percentages have been calculated using unrounded amounts.

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	C.A. No. 18-1064-CFC **CONFIDENTIAL DISCOVERY MATERIAL** **Pursuant to Stipulated Protective Order**

DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES (NOS. 1-20)

[redacted]

CONFIDENTIAL DISCOVERY MATERIAL

[redacted]

Dated: August 23, 2019

/*s*/ Arthur G. Connolly, III
Arthur G. Connolly III (#2667)
Ryan P. Newell (#4744)
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WHITE & CASE LLP
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New York, NY 10020
(212) 819-8200

EXHIBIT 11

Liu, Anna

From: Wu, Jennifer H
Sent: Thursday, October 31, 2019 2:15 PM
To: Hanstead, Alison; Arthur G. Connolly III; Whitt, Jacob; Marks, Aaron J; Georgek, Kevin; ddrivas@whitecase.com; Scheibeler, John; Ryan P. Newell; Gavin, Brendan; Bone, Brigid; Stephanie Riley
Cc: Groombridge, Nicholas; Gordon, Jennifer; Sandel, Peter; Wehrli, Naz; Whetzel, Robert W.; Mowery, Katharine Lester; Cragg, Tyler E.; Kevin M. Flowers, Ph.D.; Mark Izraelewicz; Douglas G Bolesch; Tina Ortman; GRP-AMGEN-Pfizer
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

I understand that our respective Delaware counsel have called the Court regarding a date to hear our dispute as to Pfizer's late-disclosed invalidity theory. We will get back to you regarding Amgen's infringement contentions no later than next Monday, and we can meet and confer with you next Tuesday at 3pm. We appreciate your concern about the California wildfires near Amgen and we too hope that no lives or property are touched by it.

With respect to your offer to provide discovery, fact discovery is closed and your offer to provide two depositions in Croatia in December and some document production does not cure the prejudice to Amgen as we explained in our prior correspondence. For example, one of the deponents you have proposed is Domagoj Runac who Pfizer has never disclosed during fact discovery. That you are now disclosing a new witness to try to support your new invalidity theory confirms that you did not disclose it during fact discovery. Amgen is prejudiced by your late disclosure of the invalidity theory and further prejudiced by your attempt to disclose new fact witnesses now a month after fact discovery closed.

In any event, we confirm that we are not available to take depositions in Croatia in the first two weeks of December—on December 5 and 6 or December 12 and 13 before our responsive report on invalidity is due on December 18—and that taking such depositions would not cure the prejudice to Amgen. Indeed, you said today that Pfizer has produced documents and is searching for documents regarding the new invalidity theory, but you "don't know whether there are additional documents." The fact that you do not know whether there are additional documents (even though all of these documents have long been within your control) illustrates the prejudice to Amgen. Further, follow-up fact discovery will likely be necessary but Amgen does not have the opportunity to take such discovery from you after your proposed depositions and document production; and Amgen has not had the opportunity to take any third-party discovery as a result of your late disclosure of the new invalidity theory. Also, we have both expressed a desire not to lose the June 2020 trial date—which we discussed last Friday and also in August would happen if any of the other dates in the schedule were moved—so your proposal to extend the deadline for responsive expert reports is not practicable.

Best,
Jennifer

Jennifer H. Wu | Partner (Bio)
Paul, Weiss, Rifkind, Wharton & Garrison LLP
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+1 212 373 3640 (Direct Phone) | +1 212 492 0640 (Direct Fax)
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From: Hanstead, Alison <ahanstead@whitecase.com>
Sent: Thursday, October 31, 2019 10:58 AM
To: Wu, Jennifer H <jwu@paulweiss.com>; Arthur G. Connolly III <aconnolly@connollygallagher.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; Ryan P. Newell <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; Stephanie Riley <sriley@connollygallagher.com>
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

Further to our meet and confer, and as set forth in our October 29th letter, Pfizer has offered Goran Valinger and Domagoj Runac for deposition in Zagreb, Croatia on December 5 and 6, respectively. As I noted during our call, those witnesses are alternatively available in Zagreb, Croatia on December 12 and 13, respectively. Please advise us by Monday if Amgen intends to accept any of those dates. As I also noted during our call, those witnesses are not available for deposition on any earlier dates (as I explained during our Friday meet and confer those witnesses have conflicting work commitments in November). If Amgen does not accept any of the offered dates, we cannot guarantee their subsequent availability for deposition.

We also offered during the call to extend Amgen's deadline for its responsive invalidity report(s) if that would resolve this issue.

As requested during our call, please advise us by close of business tomorrow on Amgen's position regarding its new claim construction argument in its supplemental infringement contentions. Amgen's infringement claim is the basis for this lawsuit, and we cannot have any further delay in light of next week's expert deadline.

Regards,
Alison

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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

We will be happy to discuss with you Pfizer's concerns as to Amgen's infringement contentions after we have analyzed your assertions. Simply because you wish for us to be ready to discuss this issue today does not make it so. And insisting that a meet and confer is not productive before we have met and conferred seems to turn the discovery rules on meeting-and-conferring on their head. At bottom, it appears that your issue is one of timing – you would prefer to raise your issues as to Amgen's infringement contentions together with our issues as to Pfizer's invalidity contentions. Again, we disagree that this is required.

We will speak with you soon regarding Pfizer's new invalidity theory.

Best,
Jennifer

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Sent: Thursday, October 31, 2019 9:52 AM
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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

The parties have been engaged in litigation for over a year because Amgen asserted a claim of patent infringement against Pfizer. Amgen should know the basis for that claim without the need for further investigation.

Based on Amgen's supplemental infringement contentions, it seems clear that Amgen has no claim without attempting to reargue claim construction (again, egregiously, under the guise of prior "agreement"). Amgen should dismiss its claim. We do not understand how a meet and confer will resolve this issue, and certainly do not understand why any such meet and confer cannot be conducted today.

Talk soon,
Alison

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Sent: Thursday, October 31, 2019 8:05 AM

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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

It appears that you misunderstand our positions, and we disagree with your assertions. We have not changed our positions as to Pfizer's new invalidity theory or refused to engage with you on the issues raised for the first time on Tuesday night as to Amgen's infringement contentions.

First, in our call last Friday, you made clear that Pfizer's positions are that its new invalidity contentions under section 102(a) and (b)—disclosed 2 weeks after fact discovery closed—are not late, that Amgen is not prejudiced, that Amgen has no basis to move to strike and preclude, and that you believed the Court would deny any such motion. Thus, it cannot come as a surprise to you now that Amgen believes we are now at an impasse. We then wrote to you on Monday explaining why we were at an impasse. Your Tuesday letter did not change the parties' positions. If anything, it made clear that you failed to disclose the new invalidity theory during fact discovery even though such information was within your control. Rather than identifying anything in fact discovery from Pfizer disclosing the new invalidity theory, you argue that Amgen should have taken discovery on an undisclosed invalidity theory: "Any alleged prejudice to Plaintiffs is therefore a result of Plaintiffs' own failure to seek discovery on these issues." We disagree and your Tuesday letter confirms that parties are at an impasse on this issue. To be clear, Amgen has never represented that Pfizer's production of any and all discovery within its possession would cure the prejudice where, as here, much of the relevant discovery is third-party information. Thus, your accusation that Amgen has reneged on any proposal is incorrect.

Second, we are looking into the issues you raise as to Amgen's infringement contentions, as we have told you. We are happy to meet and confer with you about that issue after we have had a chance to analyze your assertions. The fact that we are not ready on Thursday morning to discuss issues raised on Tuesday night is not a refusal to engage. Thus, your assertions on that issue are incorrect.

Finally, your assertions that Amgen has not behaved in good faith as to Pfizer's invalidity theory and that Amgen has "egregiously" raised new issues in its infringement contentions are incorrect. Respectfully, accusing us of discovery misconduct because you do not want Amgen to file its motion as to Pfizer's late-disclosed-invalidity theory is not productive to the resolution of our disputes. We both litigated this case through fact discovery without a single dispute that required the Court's resolution. You then disclosed a new invalidity theory—citing to facts long within Pfizer's control—two weeks after the close of fact discovery; Pfizer now argues that it was entitled to do so and also that Amgen is not prejudiced. Unless Pfizer is willing to withdraw its new invalidity theory, we are at an impasse.

Best,
Jennifer

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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

We are baffled that Amgen is now asserting that we are at an impasse. We certainly weren't at an impasse when we spoke on Friday. Again, Pfizer has agreed to provide Amgen with all of the discovery that it requested on Pfizer's purportedly new invalidity theory. We do not understand why that is no longer sufficient.

We understand from your email that Amgen will not contact the Court before we speak at 10am tomorrow. We further expect that Amgen will not have any communications with the Court without the participation of Pfizer's counsel.

Again, Pfizer did not make any discovery requests of Amgen in its letter. Rather, Pfizer noted that Amgen raised an entirely new claim construction argument and infringement theory in its October 11th supplemental infringement contentions. Not only did Amgen raise such a new argument, but Amgen egregiously suggested that its newly proposed construction had already been agreed to by the parties. Notably, nowhere in the parties' claim construction exchanges or claim construction briefing did Amgen cite either the Oliner or Wang references, nor did Amgen suggest that either of those references should inform the meaning of any claim term. Pfizer therefore intends to seek appropriate relief from the Court. Amgen cannot preclude that motion by refusing to engage with us on this issue.

We look forward to speaking on these issues tomorrow.

Regards,
Alison

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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

We had understood from your latest response that you did not wish to meet and confer tomorrow morning—on Amgen's motion to strike and preclude Pfizer's new invalidity theory—because you insist that we also be ready to discuss the unrelated and new issues you raised for the first time in yesterday night's letter as to Amgen's infringement contentions. We then received a follow up-email from your Delaware counsel saying that you are available from 10am-noon tomorrow to discuss. We will circulate a dial-in for 10am.

We intend to call the Court tomorrow morning for a date as to Amgen's motion. As we stated previously, delaying resolution of Amgen's issues further prejudices Amgen particularly as you do not assert any substantive connection between Pfizer's new invalidity theory and Amgen's infringement contentions. If anything, our correspondence yesterday and today confirms that we do have a fundamental dispute regarding Amgen's motion to strike and preclude that the parties have not been able to resolve in our discussions. Unless Pfizer is willing to withdraw its newly asserted invalidity defense under 102(a) and (b), we have reached an impasse on that issue.

We do not know yet whether we have a dispute regarding Pfizer's request, and thus we will not be raising that issue in our call to the Court tomorrow morning. If we do have a dispute as to the latter issue after the parties have met and conferred, we will address it separately with the Court. And contrary to your suggestion, nothing requires the Court to take up Amgen's issues and Pfizer's potential issues at the same time. Indeed, Pfizer chose not to raise its issues during our prior discussions, and Pfizer only complained about Amgen's infringement contentions for the first time last night after we indicated that Amgen intended to seek relief from the Court as to Pfizer's newly asserted invalidity defense.

Best,
Jennifer

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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison and I are available to meet and confer between 10 am and noon tomorrow.

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Jennifer,

We disagree with your characterization of our letter. We did not request any further discovery from Amgen in our letter, but rather reiterated our willingness to provide the discovery that Amgen had requested of us. We do not understand why Amgen cannot be ready to discuss the issues in our letter tomorrow.

We last met and conferred on Friday. As we noted in our letter, Amgen then apparently reneged on its proposal regarding the further discovery that it had requested from Pfizer. We sent our letter of yesterday in response to Amgen's changed position. The parties should further meet and confer before Amgen burdens the Court with motion practice. Moreover, any request to the Court regarding Amgen's proposed motion should also include a request regarding Pfizer's motion on Amgen's new claim construction argument and infringement theory.

Regards,
Alison

Alison Hanstead | Partner

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Alison,

We are concerned that you are raising new discovery issues now for the first time in an attempt to delay the Court's resolution of our dispute as to Pfizer's late invalidity disclosure and production of documents. The prejudice to Amgen is increased by further delay in presenting the issues to the Court.

We disagree with your suggestion that there is a relationship between your issues and our issues that requires discussion or resolution at the same time. Indeed, we have discussed Amgen's issues multiple times without you raising any of your own issues.

To be clear, we are looking at your assertions raised for the first time last night. But we do not agree that you can hold up the resolution of Amgen's issues by raising a new issue now.

We intend to approach the Court for a date on our issues tomorrow morning. We remain available to discuss tomorrow morning if you think it would be productive. Thank you.

Best,
Jennifer

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Jennifer,

Please let us know when you are ready to discuss all issues in our letter. Given that those issues are related to Amgen's proposed motion, it would be unproductive to attempt to do this piecemeal.

Regards,
Alison

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Sent: Wednesday, October 30, 2019 12:52 PM
To: Hanstead, Alison <ahanstead@whitecase.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

We are available for a further meet-and-confer tomorrow morning between 10am and 1pm on Amgen's motion to strike and preclude Pfizer's late invalidity defense and documents. Please confirm what time tomorrow works for you. Based on our prior discussions and our correspondence on these issues, it appears that the parties continue to have a fundamental dispute and we do not want to delay approaching the Court for the reasons we discussed on our call last week, including the expert discovery schedule.

We are also looking into the other issues you raised for the first time in your letter last night, and will let you know when we can discuss. Thank you.

Best,
Jennifer

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From: Hanstead, Alison <ahanstead@whitecase.com>
Date: Tuesday, Oct 29, 2019, 7:36 PM
To: Wu, Jennifer H <jwu@paulweiss.com>, Whitt, Jacob <jwhitt@paulweiss.com>, Marks, Aaron J <amarks@paulweiss.com>, Georgek, Kevin <kevin.georgek@whitecase.com>, ddrivas@whitecase.com <ddrivas@whitecase.com>, Scheibeler, John <jscheibeler@whitecase.com>, aconnolly@connollygallagher.com <aconnolly@connollygallagher.com>, 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>, Gavin, Brendan <brendan.gavin@whitecase.com>, Bone, Brigid <brigid.bone@whitecase.com>, sriley@connollygallagher.com <sriley@connollygallagher.com>
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>, Gordon, Jennifer <jengordon@paulweiss.com>, Sandel, Peter <psandel@paulweiss.com>, Wehrli, Naz <nwehrli@paulweiss.com>, Whetzel, Robert W. <Whetzel@RLF.com>, Mowery, Katharine Lester <Mowery@rlf.com>, Cragg, Tyler E. <Cragg@rlf.com>, Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>, Mark Izraelewicz <Mizraelewicz@marshallip.com>, Douglas G Bolesch <dbolesch@marshallip.com>, Tina Ortman <tortman@marshallip.com>, GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

Please see the attached correspondence.

Regards,
Alison

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From: Wu, Jennifer H <jwu@paulweiss.com>
Sent: Monday, October 28, 2019 3:45 PM
To: Hanstead, Alison <ahanstead@whitecase.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

Thank you for the discussions last week. The parties have a fundamental disagreement as to (1) whether Pfizer's supplemental contentions and document production after the close of fact discovery were untimely as Amgen asserts or, as you contend, Pfizer may raise wholly new invalidity theories and produce associated new documents after fact discovery ends, including in your expert reports; and (2) whether Defendants' belated disclosure here prejudices Amgen as Amgen asserts or, as you contend, Amgen has not been prejudiced.

In our view, your belated disclosure of a new on-sale / public use invalidity theory after the close of fact discovery opens up a vast amount of factual information for discovery, most of which is located outside the United States. For at least the following reasons, our disputes are not resolved by your proposal to provide one or two 30(b)(6) witnesses for deposition in early December and to produce certain documents that you are able to locate two weeks before those depositions.

First, you have offered to provide two witnesses for deposition in Croatia in early December, which is not a convenient location as we have all acknowledged. It is also not a convenient date given the upcoming December 18, 2019 responsive expert report deadline (at which time we would need to respond to your new invalidity theory).

Second, Pfizer has not agreed to produce all the discovery we have requested. Indeed, you say that our requests are "grossly disproportionate" to the alleged prejudice.

Third, you have not agreed to provide third-party discovery or proposed a way for Amgen to obtain third-party discovery that is implicated or called for by Amgen's requests. For example, one of the issues that has now been injected into the case by your new invalidity theory is whether the situs of the alleged sale / offer for sale is the United States where at least one of the alleged sale agreement was signed by third-parties (a Croatian company PLIVA and a Hungarian company PAM).

Fourth, we are concerned that you will inject even more issues into the case in your opening expert report, which would further prejudice Amgen and implicate even more discovery.

Fifth, we do not have confidence that we will be able to obtain the relevant discovery without changing the trial schedule. For example, your proposal to provide 30(b)(6) witnesses in early December is not workable given that we expect there to be follow-up discovery from those depositions, and also given the December 18, 2020 deadline for our responsive expert reports. In our view, your proposed schedule does not allow time for the likely follow-up that is needed, particularly as we appear to agree that any extension in the current schedule will result in us losing our June 15, 2020 trial date (and neither side has agreed to that or asked for such an extension). The prejudice to Amgen is compounded by the fact that you apparently intend to designate at least one or more new witnesses who were not previously disclosed during fact discovery.

Accordingly, Amgen intends to move to strike and preclude Pfizer from relying on its new invalidity theory. Our Delaware counsel will reach out to your Delaware counsel to call the Judge regarding a hearing date for our dispute. Thank you.

Best,
Jennifer

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From: Hanstead, Alison <ahanstead@whitecase.com>
Sent: Friday, October 25, 2019 9:26 PM
To: Wu, Jennifer H <jwu@paulweiss.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

We write further to our meet and confer earlier today.

We disagree that Pfizer's supplemental invalidity contentions were untimely, and further disagree that there has been any prejudice to Amgen regarding Pfizer's supplemental invalidity contentions.

We also believe that Amgen's extensive discovery requests related to Pfizer's supplemental invalidity contentions (21 30(b)(6) topics, 5 interrogatories, and 21 requests for production sent on October 23rd) are grossly disproportionate to any alleged prejudice.

We further note that Pfizer has already provided discovery responsive to Amgen's October 23rd requests.

As we discussed during the call, Pfizer will nonetheless provide additional, non-privileged documents and information responsive to Amgen's October 23rd requests, to the extent that such documents and information are presently in Pfizer's possession, custody, or control and can be located after a reasonable search.

As we also discussed during the call, given the breadth of Amgen's 30(b)(6) topics, Pfizer will designate two witnesses to cover them. We expect those witnesses will be available in Croatia either the week of December 2 or the week of December 9, and that we will be able to provide names and dates next week. Pfizer will endeavor to provide any additional, non-privileged documents or information responsive to Amgen's October 23rd interrogatories and document requests one week prior to such depositions.

We trust this fully resolves Amgen's concerns regarding Pfizer's supplemental invalidity contentions, but we remain available to further discuss on Tuesday. Please let us know if we can speak at 10:30 am ET on Tuesday.

Regards,
Alison

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Sent: Thursday, October 24, 2019 7:17 AM
To: Hanstead, Alison <ahanstead@whitecase.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Thanks Alison, we can speak Friday at 4:30pm ET and will circulate a dial-in.

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Date: Thursday, Oct 24, 2019, 12:06 AM
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Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>, Gordon, Jennifer <jengordon@paulweiss.com>, Sandel, Peter <psandel@paulweiss.com>, Wehrli, Naz <nwehrli@paulweiss.com>, Whetzel, Robert W. <Whetzel@RLF.com>, Mowery, Katharine Lester <Mowery@rlf.com>, Cragg, Tyler E. <Cragg@rlf.com>, Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>, Mark Izraelewicz <Mizraelewicz@marshallip.com>, Douglas G Bolesch <dbolesch@marshallip.com>, Tina Ortman <tortman@marshallip.com>, GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

We are reviewing Amgen's extensive requests.

We are not available before 4:30 pm ET on Friday. If that time doesn't work for you, we can speak on Monday afternoon after 1pm ET.

Regards,
Alison

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Sent: Wednesday, October 23, 2019 6:53 PM
To: Hanstead, Alison <ahanstead@whitecase.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

Please see below the discovery that Amgen would have sought had Pfizer timely disclosed the new on-sale bar / public use theory described on pages 57-62 of your October 11, 2019 Supplemental Contentions and the documents relating to that theory also produced on October 11, 2019 after the close of fact discovery. In addition to the discovery below, Amgen would have sought discovery from third-party entities involved in the alleged sale, offer for sale, and public use of the claimed invention—as well as knowledgeable individuals who were at such entities—such as PAM Vagyonkezelo Kft (Budapest, Hungary), PLIVA Hrvastska (Zagreb, Croatia), Barr Laboratories (Delaware, New York), SRI International (Menlo Park, CA), and MDS Pharma Services (Arizona).

As you and I discussed, Amgen does not want to delay the June 2020 trial date so any additional discovery would need to proceed on an expedited basis so as to minimize prejudice and disruption of the case schedule. Are you available to speak on Friday sometime between 10am-1pm on this issue? I'm also trying to move another meeting that conflicts with your proposed 4:30pm ET time for the meet and confer. Thanks.

Best,
Jennifer

[redacted]

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From: Hanstead, Alison <ahanstead@whitecase.com>
Sent: Wednesday, October 23, 2019 3:31 PM
To: Whitt, Jacob <jwhitt@paulweiss.com>; Wu, Jennifer H <jwu@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jacob,

We can push today's call to 4:30 pm ET.

We can't speak at 3 pm ET on Friday but can speak at 4:30 pm ET on Friday. But we'll need your discovery requests today if that conversation is going to be productive.

Regards,
Alison

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Sent: Wednesday, October 23, 2019 3:21 PM
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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

We are still available to discuss the issues raised in Kevin Georgek's Oct. 18 letter today. For those issues, can we push today's call to 4:30pm ET?

Just to be clear, this is only to discuss the issues raised in the Oct. 18 letter. We would still like to discuss the issues of newly disclosed invalidity theories and newly produced documents on Friday at 3pm ET if you are available then, per Jennifer Wu's earlier email today.

Thanks,
Jake

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From: Wu, Jennifer H <jwu@paulweiss.com>
Sent: Wednesday, October 23, 2019 1:19 PM
To: Marks, Aaron J <amarks@paulweiss.com>; Hanstead, Alison <ahanstead@whitecase.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John

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Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison, we're still working on the list of discovery to send to you today re: newly disclosed invalidity theories and newly produced documents. I understood from our call yesterday that you would need time to consider our requests and thus we would not be discussing this issue today (we will discuss your letter re: our alleged discovery deficiencies). If you're available this Friday at 3pm for a call on the issues re: newly disclosed invalidity theories and newly produced documents, can we speak then? Thanks.

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From: Marks, Aaron J <amarks@paulweiss.com>
Date: Tuesday, Oct 22, 2019, 2:32 PM
To: Hanstead, Alison <ahanstead@whitecase.com>, Wu, Jennifer H <jwu@paulweiss.com>, Whitt, Jacob <jwhitt@paulweiss.com>, Georgek, Kevin <kevin.georgek@whitecase.com>, ddrivas@whitecase.com <ddrivas@whitecase.com>, Scheibeler, John <jscheibeler@whitecase.com>, aconnolly@connollygallagher.com <aconnolly@connollygallagher.com>, 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>, Gavin, Brendan <brendan.gavin@whitecase.com>, Bone, Brigid <brigid.bone@whitecase.com>, sriley@connollygallagher.com <sriley@connollygallagher.com>
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Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison, here is the dial-in for the 3:30pm ET call tomorrow:

[redacted]

We are in the process of discussing the issues raised in your October 18th letter with our client and look forward to speaking tomorrow.

Best,
Aaron

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From: Hanstead, Alison <ahanstead@whitecase.com>
Sent: Tuesday, October 22, 2019 2:02 PM
To: Wu, Jennifer H <jwu@paulweiss.com>; Whitt, Jacob <jwhitt@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Jennifer,

Will you be circulating a dial-in for tomorrow's call? We had agreed to 3:30 pm ET tomorrow (we are not available at 3).

We were expecting to discuss the issues raised in our October 18th letter (following up on earlier requests) tomorrow. We can also discuss this issue, but will not be able to respond to the list of discovery that you are now seeking (including the anticipated timing of any depositions) until we have seen the full list and have had an opportunity to discuss the same with our client.

Regards,
Alison

Alison Hanstead | Partner
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From: Wu, Jennifer H <jwu@paulweiss.com>
Sent: Tuesday, October 22, 2019 11:32 AM
To: Whitt, Jacob <jwhitt@paulweiss.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Hanstead, Alison <ahanstead@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064: Pfizer's Late Production of Documents and Disclosure of Invalidity Positions

Alison,

Further to our call just now, we are reviewing your new production and supplemental contentions and we are preparing a list of discovery that we think would be required to address the prejudice to Amgen from Pfizer's late production of documents and late disclosure of invalidity positions. I am hopeful that we can send you that information by tomorrow. We understand your position is that you are entitled under the scheduling order to supplement your invalidity contentions with new positions and produce new documents after the close of fact discovery. We disagree,

particularly as the newly produced documents and newly disclosed invalidity positions were within your control and could have been produced and disclosed during fact discovery. In addition, as I mentioned on our call, we would like to keep our June 2020 trial date.

We look forward to speaking with you on Wednesday at 3pm ET, including your anticipated timing for any depositions. Please feel free to give me a call before then if it would be useful to discuss in advance. Thank you.

Best,
Jennifer

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jwu@paulweiss.com | www.paulweiss.com

From: Whitt, Jacob <jwhitt@paulweiss.com>
Sent: Monday, October 21, 2019 9:21 AM
To: Georgek, Kevin <kevin.georgek@whitecase.com>; Hanstead, Alison <ahanstead@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Wu, Jennifer H <jwu@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064

Kevin,

We are available at 3pm ET this afternoon. Please use the dial in information below:
US or Canada toll free number: 1-888-258-3504
International: 1-678-809-2343
Conference ID: 2123733557#

Thanks,
Jake

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jwhitt@paulweiss.com | www.paulweiss.com

From: Georgek, Kevin <kevin.georgek@whitecase.com>
Sent: Friday, October 18, 2019 6:01 PM
To: Whitt, Jacob <jwhitt@paulweiss.com>; Hanstead, Alison <ahanstead@whitecase.com>; ddrivas@whitecase.com; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Wu, Jennifer H <jwu@paulweiss.com>; Gordon, Jennifer

<jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: RE: Amgen v. Hospira, No. 18-1064

Jacob,

Defendants are relying on only a small subset of the documents that they produced last Friday in their invalidity contentions. Of the documents that Defendants produced last Friday, over 400 documents (almost 27,000 pages) constitute FDA correspondence that was produced, at least in part, in response to Peter Sandel's September 24 letter.

We are available to meet and confer on Monday between 1 and 4pm ET. We would also like to discuss the issues we raised in the attached letter at that time.

Regards,
Kevin

Kevin Georgek | Associate
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From: Whitt, Jacob <jwhitt@paulweiss.com>
Sent: Friday, October 18, 2019 11:33 AM
To: Hanstead, Alison <ahanstead@whitecase.com>; Drivas, Dimitrios <ddrivas@whitecase.com>; Scheibeler, John <jscheibeler@whitecase.com>; aconnolly@connollygallagher.com; 'rnewell@connollygallagher.com' <rnewell@connollygallagher.com>; Gavin, Brendan <brendan.gavin@whitecase.com>; Georgek, Kevin <kevin.georgek@whitecase.com>; Bone, Brigid <brigid.bone@whitecase.com>; sriley@connollygallagher.com
Cc: Groombridge, Nicholas <ngroombridge@paulweiss.com>; Wu, Jennifer H <jwu@paulweiss.com>; Gordon, Jennifer <jengordon@paulweiss.com>; Sandel, Peter <psandel@paulweiss.com>; Wehrli, Naz <nwehrli@paulweiss.com>; Marks, Aaron J <amarks@paulweiss.com>; Whetzel, Robert W. <Whetzel@RLF.com>; Mowery, Katharine Lester <Mowery@rlf.com>; Cragg, Tyler E. <Cragg@rlf.com>; Kevin M. Flowers, Ph.D. <kflowers@marshallip.com>; Mark Izraelewicz <Mizraelewicz@marshallip.com>; Douglas G Bolesch <dbolesch@marshallip.com>; Tina Ortman <tortman@marshallip.com>; GRP-AMGEN-Pfizer <GRP-AMGEN-Pfizer@paulweiss.com>
Subject: Amgen v. Hospira, No. 18-1064

Alison,

I write regarding Pfizer's production of over 600 documents, totaling more than 33,000 pages, on October 11, 2019. It appears that Pfizer is relying on these documents in its invalidity contentions. It also appears that the documents are within Pfizer's control (and not third-party documents), and thus could have been produced before the close of fact discovery.

The cut off for fact discovery was September 27, 2019, pursuant to the parties' Stipulation to Extend Time (D.I. 81), so ordered by the Court on August 20, 2019. Pfizer's late production of 33,000 pages of documents prejudices Amgen at least because Amgen was not able to take discovery on these documents during fact discovery and before expert discovery, including taking depositions on the subject matter of the documents.

Given the upcoming expert report deadlines, we would like to meet and confer with you on Monday, October 21 or Tuesday, October 22. Please let us know if you are available at 11am ET on those days or what other times work for you.

Regards,
Jake

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EXHIBIT 12

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	)	C.A. No. 18-1064-CFC PUBLIC VERSION

CERTIFICATE OF COMPLIANCE

The undersigned counsel for Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited certifies that Plaintiffs' Discovery Dispute Letter Dated December 3, 2019 complies with the type and font limitations set forth in the Court's November 6, 2019 Standing Order Regarding Briefing in All Cases and complies with the page limitations set forth in the Court's Procedures on Disputes Relating to Discovery Matters and Protective Orders.

Of Counsel:

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Dated: December 3, 2019

/s/ Robert W. Whetzel

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Attorneys for Amgen Inc. and Amgen Manufacturing, Limited

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMGEN INC. and AMGEN MANUFACTURING, LIMITED, Plaintiffs, v. HOSPIRA, INC. and PFIZER INC., Defendants.	)	C.A. No. 18-1064-CFC PUBLIC VERSION

AVERMENT OF COUNSEL

The undersigned counsel for Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited certifies that the parties made a reasonable effort to resolve the dispute set forth in Plaintiffs' Discovery Dispute Letter Dated December 3, 2019, including oral communication that involved Delaware counsel for the parties, and that the parties were unable to reach agreement on the relief sought.

Of Counsel:

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Dated: December 3, 2019

/s/ Robert W. Whetzel

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