UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

AMGEN, INC. and AMGEN MANUFACTURING LIMITED, Plaintiffs, v. APOTEX, INC. and APOTEX CORP. Defendants.	)	CASE NO. 0:15-CV-61631-JIC

AMGEN'S UNOPPOSED MOTION FOR LEAVE TO FILE A REDACTED VERSION OF THIS COURT'S SEALED OMNIBUS ORDER IN ANOTHER COURT

Plaintiffs Amgen, Inc. and Amgen Manufacturing Limited (together, "Amgen"), by and through undersigned counsel, hereby file this unopposed Motion for leave to file in another court a redacted version of this Court's Sealed Omnibus Order dated June 24, 2016. In particular, Amgen seeks permission to file the portion of this Court's Sealed Omnibus Order construing the term "protein" in Amgen's U.S. Patent No. 8,952,138 (the "'138 Patent") with the United States District Court for the Northern District of California, which is considering the construction of the same term in a different Amgen patent. Because good cause exists for the relief requested herein, the Court should grant this Motion, in support of which Amgen states:

1. On June 16, 2016, this Court issued its Order Requiring Supplemental Briefing (ECF No. 181) on the meaning of the term "protein" in Claim 1 of the '138 Patent. On June 22, 2016, the parties moved for leave to seal certain exhibits accompanying the supplemental claim construction briefs, because the exhibits contained commercially sensitive business information. (ECF Nos. 182, 183). The Court granted the motions (ECF Nos. 188, 189).

2. On June 24, 2016, the Court issued its Sealed Omnibus Order, in which it, among

other things, construed the term "protein" in the '138 Patent.

3. Amgen is currently involved in a separate patent dispute in the United States District Court of the Northern District of California: *Amgen Inc., et al. v. Sandoz Inc., et al*, No. 14-cv-04741 (N.D. Cal.). As here, Amgen asserts patent infringement claims in the *Sandoz* case relating to the Sandoz defendants' efforts to gain approval to market and sell a biosimilar version of Amgen's NEUPOGEN® (filgrastim). The *Sandoz* court has set a claim construction hearing for tomorrow, July 1, 2016, at which the California district court will consider, *inter alia*, the meaning of the term "protein" in a different Amgen patent, U.S Patent No. 8,940,878.

4. Amgen believes in good faith that the California district court in the *Sandoz* case would benefit from notice of this Court's construction of "protein." Amgen, therefore, seeks permission to file a redacted copy of the Sealed Omnibus Order in the *Sandoz* case. The portion of the Order pertaining to this Court's construction of the term "protein" will be publicly available, with the remaining substantive portions of the Order redacted.

5. Counsel for Amgen have conferred with counsel for Apotex, who have indicated that they do *not* oppose the relief requested herein.

WHEREFORE, Amgen respectfully requests that the Court provide Amgen leave to file a redacted version of this Court's Sealed Omnibus Order in the *Sandoz* case.

LOCAL RULE 7.1 CERTIFICATION

On June 30, 2016, counsel for Amgen conferred with counsel for Apotex regarding the issues raised by this Motion. Apotex does not oppose the relief sought in this Motion.

Respectfully submitted,

By: */s/ John F. O'Sullivan*
John F. O'Sullivan
Fla. Bar No. 143154
Allen P. Pegg
Fla. Bar No. 597821
Jason D. Sternberg
Fla. Bar No. 72887
HOGAN LOVELLS US LLP
600 Brickell Ave., Suite 2700
Miami, FL 33131
Telephone: (305) 459-6500
Facsimile: (305) 459-6550
john.osullivan@hoganlovells.com
allen.pegg@hoganlovells.com
jason.sternberg@hoganlovells.com

Of Counsel:

Nicholas Groombridge
Catherine Nyarady
Eric Alan Stone
Jennifer H. Wu
Jennifer Gordon
Peter Sandel
Conor McDonough
Ana Friedman
Arielle K. Linsey
Stephen A. Maniscalco
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
ngroombridge@paulweiss.com
cnyarady@paulweiss.com

jwu@paulweiss.com
jengordon@paulweiss.com
psandel@paulweiss.com
cmcdonough@paulweiss.com
afriedman@paulweiss.com
alinsey@paulweiss.com
smaniscalco@paulweiss.com

Wendy A. Whiteford
Lois M. Kwasigroch
Kimberlin Morley
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320
Telephone: (805) 447-1000
Facsimile: (805) 447-1010
wendy@amgen.com
loisk@amgen.com
kmorley@amgen.com

Attorneys for Plaintiffs Amgen Inc. and Amgen Manufacturing Limited

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 30, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel and that a true and correct copy was served via electronic mail on all counsel of parties of record.

By: */s/ Jason D. Sternberg*____
Jason D. Sternberg
Fla. Bar No. 72887
jason.sternberg@hoganlovells.com