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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMGEN INC. and
AMGEN MANUFACTURING LIMITED,

Plaintiffs,

vs.

SANDOZ INC., SANDOZ
INTERNATIONAL GMBH, and
SANDOZ GMBH,

Defendants.

Case No. 3:14-cv-04741-RS

**STIPULATED REQUEST TO RELATE
CASES, AND ~~PROPOSED~~ ORDER**

STIPULATED REQUEST TO CONSIDER
WHETHER CASES SHOULD BE RELATED

Case No. 3:14-cv-04741-RS

1 Pursuant to Civil Local Rules 3-12 and 7-11 and Patent Local Rule 2-1, Plaintiffs
2 Amgen Inc. and Amgen Manufacturing Limited (“Amgen”) and Defendants Sandoz Inc.,
3 Sandoz International GmbH, and Sandoz GmbH (“Sandoz”) hereby stipulate and request that
4 the Court relate the newly filed action, *Amgen Inc. v. Sandoz Inc.*, Case No. 3:16-cv-02581 (“the
5 -02581 case”), to the present case.

6 Amgen filed this case on October 24, 2014 against Sandoz Inc., Sandoz International
7 GmbH, and Sandoz GmbH. The case involves U.S. Patent Nos. 8,940,878 and 6,162,427. The
8 accused product is Sandoz’s biosimilar version of NEUPOGEN® (filgrastim). Amgen filed the
9 -02581 case on May 12, 2016 against Sandoz Inc., Sandoz International GmbH, Sandoz GmbH,
10 and Lek Pharmaceuticals d.d. The -02581 case involves U.S. Patent Nos. 8,940,878 and
11 5,824,784. The accused product there is Sandoz’s proposed biosimilar version of
12 NEULASTA® (pegfilgrastim).

13 Civil Local Rule 3-12 defines a related case as follows:

14 An action is related to another when: (1) The actions concern substantially the
15 same parties, property, transaction or event; and (2) It appears likely that there
16 will be an unduly burdensome duplication of labor and expense or conflicting
17 results if the cases are conducted before different Judges.

18 Patent Local Rule 2-1(a)(1) states:

19 When actions concerning the same patent are filed within two years of each other
20 by the same plaintiff, they will be deemed related.

21 Here, the two actions are related in view of the following:

- 22 • The cases concern substantially the same parties, even though the -02581 case is
23 asserted against an additional defendant, Lek Pharmaceuticals d.d.
- 24 • Both cases involve U.S. Patent No. 8,940,878, and thus concern the same
25 asserted patent filed within two years of each other by the same plaintiff.

26 Accordingly, relating the cases will avoid duplication of labor and expense or conflicting
27 results.

1 Dated: May 26, 2016

2 Respectfully submitted,

3 SIDLEY AUSTIN LLP

MORRISON & FOERSTER LLP

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5 By: /s/ Vernon M. Winters

By: /s/ Erik J. Olson

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1 **ECF ATTESTATION**

2 I, Vernon M. Winters, am the ECF User whose ID and Password are being used to file
3 this document. I attest that concurrence in the filing of this document has been obtained from the
4 above signatories.

5 Dated: May 26, 2016

SIDLEY AUSTIN LLP

6 By: /s/ Vernon M. Winters

7
8
9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 Dated: May 27, 2016


11 _____
12 THE HONORABLE RICHARD SEEBORG
13 UNITED STATES DISTRICT COURT JUDGE
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