

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

BAXTER HEALTHCARE)	
CORPORATION,)	
)	
Plaintiff,)	
)	C.A. No. 18-303-RGA
v.)	
)	
HOSPIRA, INC. and ORION CORP.,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STAY
COUNTS III-IX OF BAXTER’S FIRST AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6), Defendants Hospira, Inc. and Orion Corp. request that the Court dismiss with prejudice Counts 3–9 of Plaintiff Baxter Healthcare Corporation’s Amended Complaint for failure to state a claim (the “Motion”). In the alternative, Counts 4–9 should be bifurcated and stayed pending resolution of the parties’ dispute concerning infringement and validity of the ‘867 patent. The grounds for this Motion are more fully set forth in the accompanying memorandum of law, which is filed contemporaneously herewith.

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