

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                         |   |                           |
|-------------------------|---|---------------------------|
| HOSPIRA, INC.           | ) |                           |
|                         | ) |                           |
| Plaintiff,              | ) | C.A. Nos. 1:16-cv-00651   |
|                         | ) | 1:17-cv-07903             |
| v.                      | ) |                           |
|                         | ) | Hon. Rebecca R. Pallmeyer |
| FRESENIUS KABI USA, LLC | ) |                           |
|                         | ) |                           |
| Defendant.              | ) |                           |

**MOTION TO SEAL JOINT STIPULATION**

Plaintiff Hospira, Inc. and Defendant Fresenius Kabi USA, LLC (“the parties”) by their undersigned attorneys, respectfully requests, pursuant to Local Rule 5.8 and 26.2 and Local Patent Rule 1.4, that this Court grant leave to seal the parties’ JOINT STIPULATION. In support of its motion for leave to seal, the parties state as follows:

1. On March 21, 2016, this Court entered a Stipulated Protective Order that is in effect. (*See* D.I. 25, 16-cv-651.)
2. The Stipulated Protective Order allows Confidential Information, including non-public business plans and competitively sensitive business information, to be filed under seal. (D.I. 25, 1:16-cv-00651 at ¶¶ 2(d)(i), 12-13, 16.)
3. The parties’ Joint Stipulation contains non-public business plans and competitively sensitive business information which may be filed under seal, namely the date before which Fresenius Kabi agrees to not launch its generic dexmedetomidine product without an opinion.
4. Pursuant to Local Rule 26.2 and this Court’s standing order, Fresenius Kabi will separately deliver to the Court the parties’ Joint Stipulation for *in camera* review.

5. The parties respectfully request that the Court permit filing of the parties' Joint Stipulation under seal as permitted by the Stipulated Protective Order.

WHEREFORE, the parties respectfully request that this Court enter an order granting leave to file the parties' Joint Stipulation under seal, and to grant such further relief as is just.

Dated: August 16, 2018

Respectfully submitted,

/s/ Bradford Lyerla

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Tara Kurtis, an attorney at the law firm of Schiff Hardin LLP, hereby certify that on August 16, 2018, I caused a true and correct copy of the foregoing NOTICE OF MOTION to be electronically served on counsel of record via the Court's CM/ECF system.

*/s/ Tara Kurtis*

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Tara Kurtis