

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

HOSPIRA, INC.

Plaintiff,

v.

FRESENIUS KABI USA, LLC,

Defendant.

C.A. No. 1:16-cv-00651

C.A. No. 1:17-cv-07903

(Consolidated)

Hon. Rebecca R. Pallmeyer

**MOTION TO SEAL FRESENIUS KABI'S MOTION TO COMPEL THE PRODUCTION
OF DOCUMENTS RELATED TO IRREPARABLE HARM FROM HOSPIRA, INC.**

Defendant Fresenius Kabi USA, LLC, by its undersigned counsel, respectfully requests, pursuant to Local Rule 5.8 and 26.2 and Local Patent Rule 1.4, that this Court grant leave to seal portions of Fresenius Kabi's Motion to Compel the Production of Documents Related to Irreparable Harm from Hospira, Inc. and the two Exhibits attached to the motion. In support of its motion for leave to seal, Fresenius Kabi states 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. Fresenius Kabi's Motion to Compel the Production of Documents Related to Irreparable Harm from Hospira, Inc. contains non-public business plans and competitively sensitive business information which may be filed under seal. Specifically, the motion contains non-public information related to (1) FDA approval of Fresenius Kabi's ANDA; (2) the timing

of Fresenius Kabi's potential launch of its ANDA product; and (3) the contents of Hospira's confidential business documents.

4. Pursuant to Local Rule 26.1 and this Court's standing order, Fresenius Kabi will separately deliver to the Court unredacted and full versions of the Motion and Exhibits for *in camera* review.

5. Fresenius Kabi respectfully requests that the Court permit filing of Fresenius Kabi's Motion to Compel the Production of Documents Related to Irreparable Harm from Hospira, Inc. under seal, and to grant such further relief as is just.

Dated: November 9, 2018

Respectfully submitted,

/s/ Imron T. Aly

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CERTIFICATE OF SERVICE

I, Joel M. Wallace, an attorney at the law firm of Schiff Hardin LLP, hereby certify that on November 9, 2018, I caused a true and correct copy of the foregoing MOTION TO SEAL FRESINIUS KABI'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS RELATED TO IRREPARABLE HARM FROM HOSPIRA, INC. to be electronically served on counsel of record via the Court's CM/ECF system.

/s/ Joel M. Wallace
Joel M. Wallace

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