

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

HOSPIRA, INC.)	
)	
Plaintiff,)	
)	No. 16-cv-651
v.)	No. 17-cv-7903
)	
FRESENIUS KABI USA, LLC)	
)	
Defendant.)	

**HOSPIRA’S UNOPPOSED MOTION TO STAY
FRESENIUS KABI’S BILL OF COSTS**

Plaintiff Hospira, Inc. (“Hospira”) requests that the Court stay further proceedings on the Bill of Costs (D.I. 185¹) submitted by Defendant Fresenius Kabi USA, LLC (“Fresenius Kabi”). Fresenius Kabi does not oppose Hospira’s request.

In support of its Motion, Hospira states as follows:

1. On December 17, 2018, the Court entered Final Judgment in favor of Fresenius Kabi. (D.I. 176-177.) Hospira’s appeal of the Judgment is pending before the United States Court of Appeals for the Federal Circuit (Fed. Cir. Case No. 19-1329). (*See* D.I. 179.)
2. On January 16, 2019, Fresenius Kabi submitted a Bill of Costs to this Court seeking ~\$138,000. (D.I. 185; *see also* D.I. 194.)
3. On January 31, 2019, Hospira objected to Fresenius Kabi’s Bill of Costs, asserting that Fresenius Kabi is entitled to only ~\$50,000 in costs. (D.I. 188.)
4. Separately, on February 11, 2019, the Court stayed Fresenius Kabi’s request for attorneys’ fees pending Hospira’s appeal. (D.I. 196.)

¹ Docket entry numbers refer to the docket of Case No. 16-651.

5. The Court has discretion to similarly stay entry of costs pending Hospira's appeal. *See, e.g., Trading Techs. Int'l, Inc. v. eSpeed, Inc.*, 750 F. Supp. 2d 962, 968 (N.D. Ill. 2010).
6. A stay regarding Fresenius Kabi's Bill of Costs will best manage the resources of the Court and the parties. A stay will allow the Court to address the issues of costs and attorneys' fees together. Alternatively, Fresenius Kabi's Bill of Costs (along with its fee request) will be mooted if Hospira prevails on appeal.
7. Fresenius Kabi does not oppose staying its Bill of Costs until after appeal.

WHEREFORE, Hospira requests that the Court stay further proceedings on Fresenius Kabi's Bill of Costs pending Hospira's appeal.

Dated: February 14, 2019

Respectfully submitted,

/s/ Sara T. Horton

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CERTIFICATE OF SERVICE

I, Yusuf Esat, an attorney at the law firm of Jenner & Block LLP, certify that on February 14, 2019, the foregoing **Hospira's Unopposed Motion to Stay Fresenius Kabi's Bill of Costs** was electronically served on counsel of record via the Court's CM/ECF system.

/s/ Yusuf Esat
Yusuf Esat