

# EXHIBIT 5

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

HOSPIRA, INC.,

Plaintiff,

v.

FRESENIUS KABI USA, LLC

Defendants.

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

CONTAINS INFORMATION  
DESIGNATED CONFIDENTIAL BY  
PLAINTIFFS

**FRESENIUS KABI'S THIRD SET OF INTERROGATORIES  
TO PLAINTIFF (NOS. 14-16)**

Pursuant to Federal Rule of Civil Procedure 33 and the applicable Local Rules of the United States District Court of the Northern District of Illinois, Defendant Fresenius Kabi USA, LLC ("Fresenius Kabi") submits to Plaintiff Hospira, Inc. ("Plaintiff") the following interrogatories. Plaintiff is required to answer each interrogatory separately and fully in writing, under oath, and to serve a copy of its answers within thirty (30) days from service hereof. The interrogatories shall be read and interpreted in accordance with the definitions and instructions set forth below.

**DEFINITIONS & INSTRUCTIONS**

The definitions set forth in Fresenius Kabi's First Set of Requests for Production of Documents and Things to Plaintiff (Nos. 1-54) and Fresenius Kabi's First Set of Interrogatories (Nos. 1-9) are incorporated herein by reference.

"1994 License and Supply Agreement" means the September 9, 1994 License and Supply agreement between Abbott Laboratories and Orion Corporation, which Abbott assigned to

Hospira on May 1, 2004, including all supplements, riders, related agreements, and other documents incorporated by reference.

“Abbott” means Abbott Laboratories, an Illinois corporation having its principal place of business in Abbott Park, Illinois.

“DDI Presentation” means the “Precedex®Pre-mix Research presented to Hospira, Inc. in July 2009 by Decision Development, Inc.” at HOSPIRA\_00507545, which summarized research Decision Development, Inc. conducted on behalf of Hospira.

“Dexmedetomidine IND” means the Investigational New Drug Application No. 32,934 for dexmedetomidine hydrochloride submitted on March 17, 1989 by Farnos Group Ltd.

“Orion” means Orion Corporation, a corporation organized under the laws of Finland and having its principal place of business in Espoo, Finland, including Farnos Group Ltd., a former subsidiary of Orion, which merged with Orion in 1990.

## **INTERROGATORIES**

### **Interrogatory No. 14**

Describe Hospira’s acquisition of the dexmedetomidine product from Abbott as identified in e.g., HOSPIRA\_00356713–21, including, but not limited to:

- any cash, shares, or dividends paid to Abbott or its investors as a result of the Hospira spin-off;
- contractual rights and obligations transferred from Abbott to Hospira;
- regulatory rights and obligations transferred from Abbott to Hospira, including the Dexmedetomidine IND, any NDAs, or other regulatory files;
- rights to intellectual property transferred from Abbott to Hospira;

- physical property transferred from Abbott to Hospira, including physical files related to the dexmedetomidine product, inventory of dexmedetomidine products, product ampoules manufactured by Orion, pharmaceutical ingredients, or manufacturing equipment; and
- documents identifying the payment of royalty, milestone, and other payments to Orion as a result of the 1994 License and Supply Agreement.

**Interrogatory No. 15**

Describe Hospira's knowledge of use by anyone of any ready to use dexmedetomidine formulations, including, but not limited to, dexmedetomidine formulations containing a concentration of dexmedetomidine of 5, 10, 20, 100 or 200 mcg/ml dexmedetomidine hydrochloride (e.g., knowledge of the dexmedetomidine formulations used for Study No. F-DEX-CL-0690-USA identified in the Dexmedetomidine IND (HOSPIRA\_00312435; HOSPIRA\_00132584; HOSPIRA\_00312442; HOSPIRA\_00312443)), and identify whether Hospira used any ready to use dexmedetomidine formulations prior to 2012, including use in clinical trials.

**Interrogatory No. 16**

Identify whether the contents of the DDI Presentation were subject to any confidentiality or non-disclosure provisions, including whether Hospira contends that the physicians and hospital pharmacists interviewed for the DDI Presentation were bound by non-disclosure and/or confidentiality agreements. If so, please describe the non-disclosure or confidentiality obligations and provisions, and provide or identify all evidence that substantiates Hospira's contentions.

Dated: January 2, 2018

SCHIFF HARDIN LLP

*/s/ Joel M. Wallace*

---

Imron T. Aly

Joel M. Wallace

Tara Kurtis

Emily M. Peña

233 South Wacker Drive, Suite 6600

Chicago, Illinois 60606

(312) 258-5500

ialy@schiffhardin.com

jwallace@schiffhardin.com

tkurtis@schiffhardin.com

epena@schiffhardin.com

Ahmed M.T. Riaz (*pro hac vice*)

666 Fifth Avenue, 17th Floor

New York, NY 10103

(212) 753-5000

ariaz@schiffhardin.com

*Attorneys for Defendant/Counterclaimant Fresenius Kabi  
USA, LLC*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.