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

HOSPIRA, INC.,	)	
Plaintiff,	)	Docket No. 16 C 651
vs.	)	
FRESENIUS KABI USA, LLC,	)	Chicago, Illinois
Defendant.	)	September 19, 2017
	)	9:04 a.m.

TRANSCRIPT OF PROCEEDINGS - Status  
BEFORE THE HONORABLE REBECCA R. PALLMEYER

APPEARANCES:

For the Plaintiff:	JENNER & BLOCK LLP BY: MR. YUSUF ESAT 353 North Clark Street Chicago, Illinois 60654
For the Defendant:	SCHIFF HARDIN LLP BY: MR. JOEL M. WALLACE 233 South Wacker Drive, Suite 6600 Chicago, Illinois 60606
Court Reporter:	FRANCES WARD, CSR, RPR, RMR, FCRR Official Court Reporter 219 S. Dearborn Street, Suite 2144D Chicago, Illinois 60604 (312) 435-5561 frances_ward@ilnd.uscourts.gov

1 THE CLERK: 16 C 651, Hospira versus Fresenius Kabi  
2 for status.

3 MR. ESAT: Good morning, your Honor.

4 Yusuf Esat for plaintiff, Hospira.

5 THE COURT: Good morning.

6 MR. WALLACE: Joel Wallace for defendant, Fresenius  
7 Kabi USA.

8 THE COURT: Good morning.

9 I'm sorry about the delay on the claims  
10 construction. I got a passel of patent cases lined up for  
11 ruling right now. I do expect it to be probably in October.

12 But you had something else to report, you said.

13 MR. ESAT: Yes, your Honor.

14 On a separate topic, just as sort of set forth in  
15 the parties' motion, there is a second related case. As your  
16 Honor may recall, it's against Amneal in the District of  
17 Delaware. It's the same four patents-in-suit.

18 The trial was complete last month. The parties are  
19 going through posttrial briefing at the moment. And the  
20 court indicated there that it should issue a ruling by the  
21 end of the year.

22 THE COURT: Okay. Will that ruling relate to any  
23 claims construction issues, to your knowledge?

24 MR. ESAT: Yes, it likely will. There is overlap.  
25 We had a claim construction ruling earlier in the

1 case, but it did not address two of the terms that we  
2 litigated before your Honor: "ready to use" and "sealed."

3 THE COURT: Okay. Did the Delaware judge rule on  
4 other claims?

5 MR. ESAT: On other claim terms, yes.

6 THE COURT: As of when?

7 MR. ESAT: I believe that was in June of last year.

8 MR. WALLACE: 2016.

9 THE COURT: Oh, June of 2016?

10 MR. ESAT: Yes.

11 THE COURT: Okay. All right. That's fine.

12 Again, I expect that you will get -- I won't be  
13 waiting for the Delaware ruling in order to complete the  
14 claims construction work, so I will do that. All right.

15 MR. WALLACE: And then relatedly, depending on the  
16 outcome of the claim construction ruling, we may request the  
17 additional 42-day period to reopen fact discovery based on,  
18 they have got the new transcripts from the trial, they have  
19 got the posttrial briefing. So we may want additional  
20 written discovery. A lot of it depends on the claim  
21 construction ruling because we may also need to amend our  
22 contentions based on that. So we are just apprising you --

23 THE COURT: What I will do is set a status right  
24 after the claims construction ruling. You can tell me what  
25 additional proceedings we need to schedule at that time.

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All right.

MR. WALLACE: Thank you.

THE COURT: Thank you.

\* \* \* \* \*

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Frances Ward January 16, 2018.  
Official Court Reporter  
F