

Exhibit C

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

HOSPIRA, INC.,)	
)	
Plaintiff,)	Docket Nos. 16 C 651
)	17 C 7903
vs.)	
)	
FRESENIUS KABI USA, LLC,)	Chicago, Illinois
)	January 25, 2018
Defendant.)	9:42 a.m.

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

APPEARANCES:

For the Plaintiff:	JENNER & BLOCK LLP BY: MR. BRADFORD P. LYERLA MS. SARA T. HORTON 353 North Clark Street Chicago, Illinois 60654
For the Defendant:	SCHIFF HARDIN LLP BY: MR. JOEL M. WALLACE MR. IMRON T. ALY 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 and 17 C 7903, Hospira versus
2 Fresenius Kabi USA for ruling.

3 MR. ALY: Good morning.

4 Imron Aly and Joel Wallace for Fresenius Kabi.

5 THE COURT: Good morning.

6 MR. LYERLA: Good morning, your Honor.

7 Brad Lyerla and Sara Horton for Hospira.

8 THE COURT: Good morning.

9 All right. We have this motion to strike the
10 invalidity theories as untimely. That's been fully briefed.
11 I have had a chance to look at that.

12 MR. LYERLA: Your Honor, could I interrupt?

13 THE COURT: Sure.

14 MR. LYERLA: With Mr. Aly's permission, we might
15 have a solution to this --

16 THE COURT: Oh, good.

17 MR. LYERLA: -- to propose to the Court, but we
18 need to ask the Court a question first, and I hope that this
19 isn't impertinent. But we were wondering what dates are
20 available for a trial in the second half of June or
21 thereafter?

22 THE COURT: I can certainly answer that question.
23 I know that the end of June I am going to be away, but July
24 is probably fine. So let's take a look at that. I have to
25 be back here by the 28th, which is a Friday, and then I have

1 a trial in kind of the middle of July. But I could start one
2 on, say, July 16th, or pushing a little further forward,
3 August is wide open as is September.

4 MR. LYERLA: So, your Honor, I think the parties
5 agree that this will be a four- or possibly five-day trial --
6 bench trial, of course.

7 THE COURT: In that case, July 16th should work. I
8 do have a trial starting the previous week, but I think it
9 will be over.

10 MR. LYERLA: Can we adjourn for a moment to allow
11 counsel to talk and then come back?

12 THE COURT: Sure. Look at your calendars?

13 MR. LYERLA: Yes.

14 THE COURT: That's fine. We will recall it in a
15 moment.

16 MR. LYERLA: Thank you, your Honor.

17 (The above-mentioned case was passed and was later
18 recalled as follows:)

19 THE CLERK: 16 C 651 and 17 C 7903, Hospira versus
20 Fresenius Kabi USA for ruling.

21 MR. LYERLA: Good morning again, your Honor.

22 So I think we have resolved the issues that were
23 presented in the motion.

24 With a trial beginning on July 16th and internal
25 dates that will be adjusted according to a schedule that we

1 will provide to the Court in writing probably later today or
2 tomorrow -- maybe tomorrow just to give us a little extra
3 time -- with all of that agreed to, we withdraw the motion.
4 Some of the new defenses will be part of the case under our
5 agreement. Some won't. That will be part of what we provide
6 to the Court later.

7 If all of that is agreeable to the Court, then we
8 will proceed on that schedule, and the motion doesn't have to
9 be decided.

10 THE COURT: That's great. We will set trial for
11 July 16th. That's a bench trial.

12 And what I need to do right now is just make sure
13 that I have a status so that if there is an issue that pops
14 up, we have an avenue for addressing it.

15 How about a status in the middle of April?

16 MR. LYERLA: That should be fine, your Honor.

17 THE COURT: April 18th.

18 MR. LYERLA: That should be fine.

19 I have a recollection that we have a date next
20 week.

21 MS. HORTON: There is a status next week, but I'm
22 not sure --

23 THE COURT: We can strike that date.

24 MR. LYERLA: Right. Thank you, your Honor.

25 THE COURT: Good.

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