

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AMGEN INC., and AMGEN
MANUFACTURING LIMITED LLC,

Plaintiffs,

v.

FRESENIUS KABI USA, LLC, FRESENIUS
KABI SWISSBIOSIM GmbH, FRESENIUS
KABI DEUTSCHLAND GmbH, and
FRESENIUS KABI AUSTRIA GmbH,

Defendants.

Case No. 1:25-cv-01080-CPO-EAP

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

WHEREAS Amgen Inc. and Amgen Manufacturing Limited LLC (collectively, “Amgen” or “Plaintiffs”), and Fresenius Kabi USA, LLC, Fresenius SwissBioSim GmbH, Fresenius Kabi Deutschland GmbH, and Fresenius Kabi Austria GmbH (collectively, “Fresenius” or “Defendants”) were involved in litigation in the United States District Court for the Northern District of Illinois, Civil Action No. 1:24-cv-09555-JRB involving Amgen’s patents covering its denosumab antibody, pharmaceutical compositions containing denosumab, and methods of manufacture, stemming from Fresenius’s filing of a BLA seeking FDA approval of Fresenius Biosimilar Products;

WHEREAS the case was transferred to the United States District Court for the District of New Jersey by order of the Judicial Panel on Multidistrict Litigation on February 6, 2025 and assigned to the Honorable Christine P. O’Hearn for coordinated or consolidated pretrial

proceedings, Civil Action Nos. 25-md-03138, 1:25-cv-01080 (the “Fresenius Denosumab Litigation);

WHEREAS Amgen and Fresenius have reached an agreement to resolve the Fresenius Denosumab Litigation;

WHEREAS, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Amgen and Fresenius hereby stipulate and agree that all claims and affirmative defenses asserted by Plaintiffs and Defendants against each other in the above-captioned action are hereby dismissed without prejudice and without costs, disbursements, or attorneys’ fees to any party.

THEREFORE based on the parties’ stipulation and consent, it is ORDERED, ADJUDGED, and DECREED as follows:

1. All claims and counterclaims in the above-captioned matter are dismissed without prejudice.
2. Each party shall bear its own costs.

Dated: March 4, 2025

s/Liza M. Walsh
Liza M. Walsh
Attorneys for Plaintiffs

s/Arnold B. Calmann
Katherine A. Escanlar
Arnold B. Calmann
Attorneys for Defendants

IT IS SO ORDERED.

Dated: _____

Christine P. O’Hearn
United States District Judge