

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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GENENTECH, INC. and CITY OF HOPE,

Plaintiffs,

v.

AMGEN INC.,

Defendant.

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) C.A. No. 18-924-GMS  
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**PLAINTIFFS' MOTION TO DISMISS DEFENDANT'S UNENFORCEABILITY  
COUNTERCLAIMS AND TO STRIKE ELEVENTH AFFIRMATIVE DEFENSE**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), Plaintiffs Genentech, Inc. and City of Hope (collectively, "Plaintiffs") respectfully move for dismissal of Defendant's unenforceability counterclaims and to strike Defendant's Eleventh Affirmative Defense and Prayer for Relief E. The bases for this motion are set forth in the Opening Brief contemporaneously filed herewith.

Dated: August 23, 2018

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