

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

GENENTECH, INC. and CITY OF HOPE,

Plaintiffs,

v.

AMGEN INC.,

Defendant.

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C.A. No. 18-924-GMS

**PLAINTIFFS' MOTION TO DISMISS DEFENDANT'S
UNENFORCEABILITY COUNTERCLAIMS AND TO STRIKE
DEFENDANT'S 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: February 21, 2019

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