

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASTRAZENECA AB,
AKTIEBOLAGET HASSLE,
ASTRAZENECA LP,
KBI INC. AND KBI-E INC.,

Plaintiffs,

v.

APOTEX CORP., APOTEX. INC.,
and TORPHARM, INC.,

Defendants.

IN RE OMEPRAZOLE PATENT LITIGATION

01-CIV-9351 (DLC)

[Proposed] Order

M-21-81 (DLC)

MDL Docket No. 1291

12/18/2013

DENISE L. COTE, U.S. District Judge.

By Opinion and Order dated November 26, 2013 the Court determined damages totaling \$76,021,994.50 in favor of AstraZeneca AB, Aktiebolaget Hassle, AstraZeneca LP, KBI Inc., and KBI-E Inc. (collectively, "AstraZeneca" or "Plaintiffs") against defendants Apotex Corp., Apotex Inc., and Torpharm Inc. (collectively "Apotex" or "Defendants").

The Court thereafter entered judgment on December 11, 2013 (the "Judgment"), prescribing pre-judgment interest of \$28,345,428.00 for a total of \$104,367,422.50 ("Judgment Amount").

Apotex now seeks by letter to this Court dated December 18, 2013, to stay enforcement of the Judgment pending appeal by paying the Judgment Amount plus \$500,000 ("Registry Amount"), as agreed to between the parties, into the registry of the Court. The Registry Amount will total \$104,867,422.50.

Apotex will be filing a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit from the Judgment by January 10, 2014.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Apotex may deposit the Registry Amount of \$104,867,422.50 into the registry of the Court by January 8, 2014 in lieu of a supersedeas bond if it seeks to stay execution of the Judgment pending appeal.

2. The Clerk of the Court shall invest the Registry Amount into a CRIS interest-bearing account. The Clerk shall deduct from the income on the investment a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

3. AstraZeneca may seek recovery of the Registry Amount in accordance with this Order and applicable law, in whole or in part, including by Motion to Reduce Bond. Apotex is bound to satisfy in full any amounts in excess of the Registry Amount awarded to AstraZeneca by the Federal Circuit or this Court.

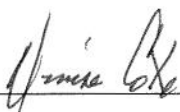
4. AstraZeneca may apply to this Court, upon notice to Apotex, for an order granting disbursement of the Registry Amount, or any portion of it, following the issuance of a mandate or other final disposition from the Federal Circuit.

5. Upon satisfaction in full of AstraZeneca or upon the reversal of the Judgment, Apotex may apply to this Court, upon notice to AstraZeneca, to release the Registry Amount or any part of it.

6. Until an order is issued in accordance with Paragraph 5 of this Order, Apotex has no right, title, or interest in the Registry Amount once it is deposited with the Clerk of the Court.

Dated: New York, New York
December 18, 2013

SO ORDERED



DENISE L. COTE, United States District Judge