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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TEVA PHARMACEUTICALS USA, INC.)
TEVA PHARMACEUTICAL INDUSTRIES LTD.,)
TEVA NEUROSCIENCE, INC., AND)
YEDA RESEARCH AND DEVELOPMENT)
CO. LTD)

Plaintiff,

v.

SYNTHON PHARMACEUTICALS, INC.,)
SYNTHON HOLDING B.V.,)
SYNTHON B.V. AND SYNTHON S.R.O.)

Defendants.

Civil Action No. 12-cv-02556 (WHP)

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

9/17/14

JOINT STIPULATION OF VOLUNTARY DISMISSAL

WHEREAS, plaintiffs Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Teva Neuroscience, Inc., and Yeda Research and Development Co. Ltd. (collectively, "Plaintiffs" or "Teva"), filed a Complaint on April 3, 2012 against defendants Synthon Pharmaceuticals, Inc., Synthon Holding B.V., Synthon B.V., and Synthon S.R.O. (collectively, "Defendants" or "Synthon"), claiming infringement of, *inter alia*, U.S. Patent No. 7,199,098 ("the '098 patent"), U.S. Patent No. 6,939,539 ("the '539 patent"), U.S. Patent No. 6,054,430 ("the '430 patent"), U.S. Patent No. 6,620,847 ("the '847 patent"), U.S. Patent No. 5,981,589 ("the '589 patent"), U.S. Patent No. 6,342,476 ("the '476 patent") and U.S. Patent No. 6,362,161 ("the '161 patent") (collectively, the "Orange Book Patents"), and seeking a declaratory judgment of infringement of the '098 patent, the '539 patent, the '430 patent, the

'847 patent, the '589 patent, the '476 patent, the '161 patent, U.S. Patent No. 5,800,808 ("the '808 patent") and U.S. Patent No. 6,048,898 ("the '898 patent") ("the Action");

WHEREAS, the Orange Book Patents and the '898 patent expired on May 24, 2014;

WHEREAS, the United States Court of Appeals for the Federal Circuit declared the asserted claim of the '808 patent to be invalid (*Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 723 F.3d 1363 (Fed. Cir. 2013));

WHEREAS, on March 31, 2014 the United States Supreme Court granted writ of certiorari in *Teva Pharms. USA, Inc. v. Sandoz, Inc.* to hear Teva's appeal of the Federal Circuit decision invalidating the asserted claim of the '808 patent (134 S. Ct. 1761 (U.S. 2014)); and

WHEREAS, the Action was stayed shortly after filing, from November 8, 2012 until and through February 28, 2014, and the parties have not engaged in any discovery since the expiration of the stay (Dkt. Nos. 39, 43, 44, 46 and 51);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled action by their attorneys, that the above-identified action is dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and 41(c) subject to the following terms of this Joint Stipulation:

(1) All of Plaintiffs' claims for infringement and declaratory judgment of infringement of the Orange Book patents and the '898 patent are dismissed with prejudice as moot in view of the expiration of those patents;

(2) All the remaining claims of Plaintiffs in this action with regard to the '808 patent are dismissed without prejudice;

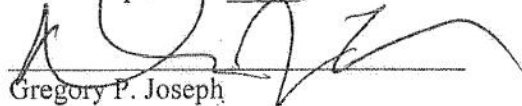
(3) All the claims of Defendants in this action with regard to the Orange Book patents and the '898 patent are dismissed with prejudice as moot in view of the expiration of those patents;

(4) All the remaining claims of Defendants in this action with regard to the '808 patent are dismissed without prejudice;

(5) No party admits liability or the merits of any pleading, claim, counterclaim, assertion or defense of the other party;

(6) Each party shall bear its own costs, attorneys' fees, and expenses incurred in connection with the claims dismissed by this Order.

Dated: September 10, 2014



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Dated: September 12, 2014



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