

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

THE PROCTER & GAMBLE COMPANY)
and HOFFMANN-LA ROCHE INC.,)

Plaintiffs,)

v.)

TEVA PHARMACEUTICALS USA, INC.,)

Defendant.)

C.A. No. 08-627-LPS

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THE PROCTER & GAMBLE COMPANY)
and HOFFMANN-LA ROCHE INC.,)

Plaintiffs,)

v.)

APOTEX, INC. AND APOTEX CORP.,)

Defendants.)

C.A. No. 09-143-LPS
(consolidated with C.A. No. 08-627-LPS)

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WARNER CHILCOTT COMPANY, LLC and)
HOFFMANN-LA ROCHE INC.,)

Plaintiffs,)

v.)

MYLAN PHARMACEUTICALS INC.,)

Defendant.)

C.A. No. 10-285-LPS
(consolidated with C.A. No. 08-627-LPS)

-----)
THE PROCTER & GAMBLE COMPANY)
and HOFFMANN-LA ROCHE INC.,)

Plaintiffs,)

v.)

SUN PHARMA GLOBAL, INC.,)

Defendant.)

C.A. No. 09-61-LPS
(consolidated with C.A. No. 08-627-LPS)

**STIPULATED PROTECTIVE ORDER
REGARDING DEFENDANTS APOTEX INC., APOTEX CORP.,
MYLAN PHARMACEUTICALS INC., AND SUN PHARMA GLOBAL, INC.**

WHEREAS by Court Order dated September 24, 2009, separate actions styled *The Procter & Gamble Company and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 08-627-LPS, and *The Procter & Gamble Company and Hoffmann-La Roche Inc. v. Apotex Inc. and Apotex Corp.*, Civil Action No. 09-143-LPS, were consolidated for pretrial purposes;

WHEREAS by Court Order dated July 28, 2010, a third action styled *Warner Chilcott Company, LLC and Hoffmann-La Roche, Inc. v. Mylan Pharmaceuticals, Inc.*, Civil Action No. 10-285-LPS, was consolidated with the actions styled *The Procter & Gamble Company and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 08-627-LPS and *The Procter & Gamble Company and Hoffmann-La Roche Inc. v. Apotex Inc. and Apotex Corp.*, Civil Action No. 09-143-LPS for pretrial purposes;

WHEREAS by Court Order dated November 1, 2010, a fourth action styled *The Procter & Gamble Co. v. Sun Pharma Global, Inc.*, Civil Action No. 09-61-LPS, was consolidated with the above-identified actions;

WHEREAS Plaintiff Hoffmann-La Roche Inc. (“Roche”) and Defendants Apotex, Inc. and Apotex Corp. (collectively “Apotex”) have been and are currently parties to litigations in the United States District Court for the District of New Jersey, styled *Hoffmann-La Roche Inc. v. Apotex Inc and Apotex Corp.*, Civil Action No. 07-4417 (SRC) (MAS), *Hoffmann-La Roche Inc. v. Apotex Inc. and Apotex Corp.*, Civil Action No. 08-3065 (SRC) (MAS) (administratively closed and consolidated with Civil Action No. 07-4417 (SRC) (MAS)), and *Hoffmann-La Roche Inc. v. Apotex Inc. and Apotex Corp.*, Civil Action No. 08-4053 (SRC) (MAS) (administratively

closed and consolidated with Civil Action No. 07-4417 (SRC) (MAS)) (the “Apotex New Jersey Action”), which had at one stage of the litigation involved, *inter alia*, United States Patent No. 7,192,938, which is at issue in this Action;

WHEREAS Plaintiff Roche and Genpharm Inc. and Genpharm, L.P. (collectively “Genpharm”) have been and are currently parties to litigations in the United States District Court for the District of New Jersey, styled *Hoffmann-La Roche Inc. v. Genpharm Inc. and Genpharm, L.P.*, Civil Action No. 07-4661 (SRC) (MAS) and *Hoffmann-La Roche Inc. v. Genpharm Inc. and Genpharm, L.P.*, Civil Action No. 08-4052 (SRC) (MAS) (administratively closed and consolidated with Civil Action No. 07-4661 (SRC) (MAS)) (the “Genpharm New Jersey Action”), which had at one stage of the litigation involved, *inter alia*, United States Patent No. 7,192,938, which is at issue in this Action;

WHEREAS both Genpharm and Mylan Pharmaceuticals, Inc. (“Mylan”) are related to Mylan, Inc.;

WHEREAS, on April 3, 2008, the Court in the Apotex and Genpharm New Jersey Actions entered a “Stipulated Discovery Confidentiality Order” (D.I. 25) in Civil No. 07-4417 (D.N.J.);

WHEREAS the Court, on August 13, 2009, entered a Stipulated Protective Order (D.I. 31) in Civil No. 08-627-LPS between Plaintiffs The Procter & Gamble Company (“P&G”) and Roche and Defendant Teva Pharmaceuticals USA, Inc. (“Teva”);

WHEREAS Plaintiff Warner Chilcott Company, LLC (“Warner Chilcott”) and Defendants Apotex, Mylan, and Sun Pharma Global, Inc. (“Sun”), in order to expedite discovery and progress in this Action, stipulate and agree to be bound by the terms of the Stipulated

Protective Order (D.I. 31) previously entered by the Court in Civil No. 08-627-LPS on August 13, 2009;

WHEREAS Plaintiffs P&G and Roche and Defendant Teva agree, in light of the consolidation in this Action, to modify the language of the first two sentences of Paragraph 3 of the Stipulated Protective Order (D.I. 31) in Civil No. 08-627-LPS to be consistent with Paragraph 3 of the Stipulated Discovery Confidentiality Order entered in the Apotex and Genpharm New Jersey Actions (D.I. 25 in Civil No. 07-4417) for multiple defendants; and

WHEREAS Plaintiffs P&G and Roche and Defendant Teva do not object to inclusion of Plaintiff Warner Chilcott and Defendants Apotex, Mylan, and Sun under the terms of the Stipulated Protective Order (D.I. 31) in Civil No. 08-627-LPS;

IT IS HEREBY ORDERED THAT:

1. The August 13, 2009 Stipulated Protective Order (D.I. 31) in Civil No. 08-627-LPS shall govern all parties in this consolidated Action;
2. The first paragraph of Paragraph 3 of the Stipulated Protective Order (D.I. 31) is hereby modified to read as follows:

The following provision governs the disclosure of information designated as “Highly Confidential Information,” and applies to the disclosure of information to Plaintiffs by individual Defendants, by Plaintiffs to individual Defendants, and by individual Defendants to other individual Defendants. A party receiving “Highly Confidential Information,” or any analysis or report containing “Highly Confidential Information” shall not disclose such information to any other party or any person other than those persons set forth below, with certain exceptions set forth in paragraph 7.

3. The materials designated by Roche as “Highly Confidential Information – Outside Counsel Only” under the Stipulated Discovery Confidentiality Order in the Apotex and Genpharm New Jersey Actions may be used and disclosed in this litigation according to the

provisions governing “Highly Confidential Information” under the Stipulated Protective Order in this Action as set forth in paragraph 3 of the Stipulated Protective Order.

4. The materials designated by Roche as “Confidential Information” under the Stipulated Discovery Confidentiality Order in the Apotex and Genpharm New Jersey Actions may be used and disclosed in this litigation according to the provisions governing “Confidential Information” under the Stipulated Protective Order in this Action as set forth in paragraph 4 of the Stipulated Protective Order.

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Counsel for Plaintiff Hoffmann-La Roche Inc.

Dated: November 15, 2010

The Court, having determined good cause exists for entry of this Stipulated Protective
Order,

IT IS SO ORDERED.

Date: November __, 2010

The Honorable Leonard P. Stark
United States District Court Judge