IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WARNER CHILCOTT COMPANY, LLC and HOFFMANN-LA ROCHE INC., Plaintiffs, v. TEVA PHARMACEUTICALS USA, INC., Defendant.	C.A.No. 08-627-LPS (CONSOLIDATED)

STIPULATION OF DISMISSAL OF CLAIMS AND DEFENSES RELATING TO U.S. PATENT NO. 5,583,122 AND U.S. PATENT NO. 6,165,513

WHEREAS plaintiffs Warner Chilcott Company, LLC ("Warner Chilcott") and Hoffmann-La Roche Inc. ("Roche") brought suit against defendant Teva Pharmaceuticals USA, Inc. ("Teva") alleging infringement of U.S. Patent No. 5,583,122 ("the '122 Patent"), U.S. Patent No. 6,165,513 ("the '513 Patent"), U.S. Patent No. 7,192,938 ("the '938 Patent") and U.S. Patent No. 7,718,634 ("the '634 patent"), in connection with Teva's submission of Abbreviated New Drug Application ("ANDA") No. 79-215 for approval to market 150 mg risedronate sodium tablets;

WHEREAS plaintiff Warner Chilcott owns all right and title to the '122 Patent and has the right to sue for and obtain equitable relief and damages for infringement;

WHEREAS plaintiff Warner Chilcott owns all right and title to the '513 Patent and has the right to sue for and obtain equitable relief and damages for infringement;

WHEREAS, Teva previously challenged the validity of the '122 Patent in this Court in *The Procter & Gamble Co. v. Teva Pharmaceuticals U.S.A., Inc.* (C.A. No. 04-940-JJF), *The Procter & Gamble Co. v. Teva Pharmaceuticals U.S.A., Inc.* (C.A. No. 08-66-JJF), and *The Procter & Gamble Co. v. Teva Pharmaceuticals U.S.A., Inc.* (C.A. No. 08-191-JJF) (the "Prior Actonel Actions");

WHEREAS, on May 23, 2008, the Court entered judgment against Teva in the Prior Actonel Actions and ordered, *inter alia*, that the effective date for any approval of Teva's Abbreviated New Drug Application Nos. 77-132, 79-215 and 90-234 shall be modified to a date which is not earlier than the date of expiration of the '122 Patent, including any extension of the term of that patent;

WHEREAS, on May 13, 2009, the Federal Circuit affirmed this Court's Opinion finding claims 4, 16, and 23 of the '122 Patent were not invalid;

NOW THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all parties who have appeared in this action, plaintiffs Warner Chilcott and Roche, and defendant Teva (collectively "the parties"), through their respective counsel of record, hereby stipulate and agree as follows:

1. The parties' claims and defenses in this action relating to the '122 Patent are dismissed without prejudice and without costs to any party. Each party shall bear its own attorneys' fees and experts' fees.

2. Teva will not engage in the commercial distribution of 150 mg risedronate sodium tablets in the United States while the '122 Patent remains in force, including any associated pediatric exclusivity.

3. The parties' claims and defenses in this action relating the '513 Patent are dismissed without prejudice and without costs to any party. Each party shall bear its own attorneys' fees and experts' fees.

4. The parties agree that the disputed terms of the '513 Patent (*see* D.I. 159-3) no longer require construction by the Court in this action, and hereby withdraw their request that the Court construe the disputed terms.

5. The parties maintain all other claims and defenses asserted in this action, including in particular those claims and defenses related to the '938 Patent and the '634 Patent.

DATED: December 8, 2011

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SO ORDERED this _____ day of _____, 2011.

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UNITED STATES DISTRICT JUDGE