

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE LLC and BAYER )  
HEALTHCARE PHARMACEUTICALS )  
INC., )  
)  
Plaintiffs, )  
) C.A. No. 16-1221 (LPS)  
v. ) CONSOLIDATED  
)  
TEVA PHARMACEUTICALS USA, INC., )  
et al., )  
)  
Defendants. )

**STIPULATION OF DISMISSAL**

Pursuant to Rules 41(a)(1) and 41(c) of the Federal Rules of Civil Procedure, Plaintiffs Bayer HealthCare LLC and Bayer HealthCare Pharmaceuticals Inc. (collectively, “Bayer”) and Teva Pharmaceuticals USA, Inc. (“Teva”), through their respective counsel, hereby stipulate and agree that their respective claims and counterclaims with respect to U.S. Patent 8,680,124 (Complaint Counts V and VI and Counterclaim Counts V and VI), are hereby dismissed with prejudice. The parties shall bear their own costs, expenses, and attorneys’ fees with respect to these claims and counterclaims. The remainder of the action is not dismissed; the matter shall proceed with respect to all claims and counterclaims other than Complaint Counts V and VI and Counterclaim Counts V and VI. This stipulation does not affect any other action or claim brought against any other party, and does not preclude the parties from advancing any claims or counterclaims/defenses concerning U.S. Patent 8,680,124 in a litigation involving any product other than a product of ANDA No. 209728.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

SHAW KELLER LLP

*/s/ Anthony D. Raucci*

*/s/ Karen E. Keller*

---

Jack B. Blumenfeld (#1014)  
Derek J. Fahnestock (#4705)  
Anthony D. Raucci (#5948)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
dfahnestock@mnat.com  
araucci@mnat.com

*Attorneys for Plaintiffs  
Bayer Healthcare LLC and  
Bayer Healthcare Pharmaceuticals Inc.*

---

John W. Shaw (#3362)  
Karen E. Keller (#4489)  
David M. Fry (#5486)  
1105 North Market Street  
12<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 298-0701  
jshaw@shawkeller.com  
kkeller@shawkeller.com  
dfry@shawkeller.com  
*Attorneys for Defendant  
Teva Pharmaceuticals USA, Inc.*

September 10, 2018

SO ORDERED this \_\_\_\_ day of September, 2018.

---

Chief Judge Leonard P. Stark