UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Aurobindo Pharma Limited and Aurobindo Pharma USA Inc., Defendants.	Civil Action No. 14-CV-2497 (PAC)
Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Amneal Pharmaceuticals LLC, Defendants.	Civil Action No. 14-CV-2758 (PAC)
Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Mylan Inc. and Mylan Pharmaceuticals Inc., Defendants.	Civil Action No. 14-CV-2647 (PAC)

Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Zydus Pharmaceuticals (USA) Inc., and Cadila Healthcare Ltd. (dba Zydus Cadila), Defendants.	Civil Action No. 14-CV-2760 (PAC)
Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Orient Pharma Co., Ltd., Defendants.	Civil Action No. 14-CV-2759 (PAC)
Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., Plaintiffs, v. Sawai USA, Inc., and Sawai Pharmaceutical Co., Ltd., Defendants.	Civil Action No. 14-CV-5575 (PAC)

STIPULATION REGARDING CONFIDENTIALITY AND PROTECTIVE ORDER

WHEREAS, the Parties (as defined herein) agree that the nature of the above-referenced litigations (this or the "Litigation") will require the Parties to seek and produce documents and information, and elicit deposition testimony, the disclosure of which poses a substantial risk of harm to the Producing Party's (as defined herein) legitimate business interests; and

WHEREAS, the Parties agree that a protective order is necessary to minimize the harm flowing from the disclosure of sensitive information; and

WHEREAS, all parties to this Litigation, by their attorneys, hereby stipulate and agree that the terms and conditions of this Stipulation Regarding Confidentiality and Protective Order (the "Stipulation") shall govern the production, exchange, disclosure and handling of Discovery Material (as defined below) in this Litigation.

Pursuant to Federal Rule of Civil Procedure 26(c) and upon agreement of the Parties, the Court finds that good cause exists for entry of a protective order to prevent unauthorized disclosure and use of the Parties' trade secrets and other confidential information during and after the course of this Litigation.

IT IS HEREBY ORDERED THAT the Parties and any non-party agreeing to be bound by this Stipulation who is subject to discovery in this Litigation are bound by the terms and conditions of this Stipulation governing the production, exchange, disclosure and handling of Discovery Material.

1. **Scope of Protective Order**:

This Stipulation applies to all Discovery Material produced, exchanged or otherwise disclosed by a Producing Party in connection with this Litigation. This Stipulation shall

apply regardless of whether such information was produced or disclosed prior to or after entry of this Stipulation.

2. **Definitions**:

(a) "Confidential Material" is defined as all documents, information, testimony or things produced, exchanged or otherwise disclosed in this Litigation, which a Party believes are, or contain, sensitive or proprietary information, or other confidential information, and, in good faith, believes is of the type of information protectable under Federal Rule of Civil Procedure 26(c)(1)(G) or is required to be kept confidential by law or by agreement with a third party or otherwise.

(b) The term "Highly Confidential - Outside Attorneys' Eyes Only" shall include any Confidential Material, which the Producing Party reasonably believes to be so competitively sensitive that it is entitled to extraordinary protections. Such information may include, but shall not be limited to, (i) non-public current and future marketing plans, market research, sales, technical, financial and business strategy information, including customer lists, price lists, financial projections or profit calculations; (ii) agreements, testing, research or development work with third-parties, including suppliers or licensees; (iii) Abbreviated New Drug Applications (including any supplements or amendments), New Drug Applications, Drug Master Files, or other non-public communications with the U.S. Food and Drug Administration ("FDA") or any other regulatory agency; (iv) the names, or other information tending to reveal

the identities, of a Party's suppliers, present or prospective customers, or distributors or the personal information of a Party's employees; (v) non-public correspondence with the United States and foreign patent offices; (vi) manufacturing information, including costs of production and technical notebooks, product and manufacturing specifications or similar information; (vii) research, development and testing information; (viii) information that is already subject to a confidentiality or similar order; and (ix) information the Producing Party believes is a proprietary trade secret.

(c) "Discovery Material" shall mean any document, information, testimony or thing (whether in writing or verbal) produced, exchanged or otherwise disclosed in this Litigation, including, for example, documents produced by any Producing Party in response to a discovery request; exhibits; answers to interrogatories; answers to requests for admissions; responses to requests for production; subpoenas; declarations; affidavits; letters; e-mail correspondence; deposition testimony or transcripts; and all copies, extracts, summaries, compilations, designations, and portions thereof.

(d) The term "Outside Counsel" means outside counsel for any Party (as defined herein), including associated personnel necessary to assist Outside Counsel in this Litigation, such as legal assistants, paralegals, secretarial, technical assistants and clerical employees actually assisting such Counsel.

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