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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

HORIZON PHARMA, INC., and POZEN,
INC.,

Civil Action No. 3:15-cv-03327-MLC-DEA

Plaintiffs,

v.

**STIPULATION AND ~~PROPOSED~~ ORDER
TO DISMISS CERTAIN
COUNTERCLAIMS**

MYLAN PHARMACEUTICALS INC.,
MYLAN LABORATORIES LIMITED, and
MYLAN INC.,

Defendants.

WHEREAS Defendants Mylan Pharmaceuticals Inc., Mylan Laboratories Ltd., and Mylan Inc. (collectively, "Mylan") pleaded counterclaims of noninfringement and invalidity of U.S. Patent No. 9,220,698 ("the '698 patent") in the above-referenced action Civil Action No. 15-cv-03327 (consolidated as Civil Action No. 15-cv-03322) ("Case II");

WHEREAS Plaintiffs Horizon Pharma Inc. ("Horizon") and Pozen, Inc. ("Pozen") (collectively, "Plaintiffs") alleged infringement of the '698 patent by Defendants in a later action, Civil Action No. 16-cv-04921 ("Case III") in this Court;

WHEREAS Plaintiffs and Mylan exchanged contentions for the '698 patent pursuant to L. Pat. R. 3.3 and 3.6 and the Scheduling Order (D.E. 42 in Civil Action No. 15-cv-003322) in Case II and L. Pat. R. 3.3 and 3.6 and the Scheduling Order (D.E. 40) in Case III;

WHEREAS Plaintiffs also alleged infringement of U.S. Patent No. 9,393,208 ("the '208 patent") by Defendants in Case III;

WHEREAS the '208 patent is a continuation of the '698 patent;

WHEREAS Plaintiffs and Defendants seek to promote judicial efficiency;

THEREFORE, IT IS HEREBY STIPULATED, CONSENTED, AND AGREED TO by and between the parties hereto as follows:

I. The parties stipulate to dismiss Mylan's sixth and twelfth counterclaims (declaratory judgment of noninfringement and invalidity of U.S. Patent No. 9,220,698, respectively) in the above-referenced action, Case II, without prejudice. This stipulation of dismissal does not apply to the claims or counterclaims related to the '698 and '208 patents in Case III.

So stipulated,

Dated: February 17, 2017

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Plaintiffs Mylan Pharmaceuticals Inc.,
Mylan Laboratories Ltd., and
Mylan Inc.*

IT IS SO ORDERED.

Dated: 2/22/17



Honorable Douglas E. Arpert
United States Magistrate Judge