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February 5, 2018

**VIA ECF AND USPS**

Honorable Stanley R. Chesler, U.S.D.J.  
United States District Court  
District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *Sanofi-Aventis U.S. LLC, et al. v. Mylan N.V., et al.,*  
Civil Action No. 17-9105 (SRC/CLW)**

Dear Judge Chesler:

This firm, together with Weil, Gotshal & Manges LLP, represents Plaintiffs Sanofi-Aventis U.S. LLC, Sanofi-Aventis Deutschland GmbH, and Sanofi Winthrop Industrie (collectively, "Sanofi") in the above-referenced matter. Enclosed for the Court's consideration is a Stipulation and proposed Order of Dismissal as to Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. If the enclosed proposed form of Order is acceptable to Your Honor, we respectfully request its entry. As always, the Court's consideration is greatly appreciated.

Respectfully submitted,

*s/Liza M. Walsh*

Liza M. Walsh

Enclosure

cc: All Counsel of Record (via ECF and Email)

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

SANOFI-AVENTIS U.S. LLC,  
SANOFI-AVENTIS DEUTSCHLAND GMBH,  
and SANOFI WINTHROP INDUSTRIE,

Plaintiffs,

v.

MYLAN N.V., MYLAN GMBH, MYLAN  
INC., and MYLAN PHARMACEUTICALS  
INC.,

Defendants.

Civil Action No. 2:17-cv-09105-SRC-CLW

**STIPULATION AND ORDER**

Plaintiffs Sanofi-Aventis U.S. LLC, Sanofi-Aventis Deutschland GmbH, and Sanofi Winthrop Industrie (collectively, “Sanofi”) and Defendants Mylan N.V., Mylan GmbH, Mylan Inc., and Mylan Pharmaceuticals Inc. (collectively “Defendants”) hereby stipulate and agree as follows:

WHEREAS, on October 24, 2017, Sanofi filed suit against Defendants in the above-captioned case (“the Action”);

WHEREAS, Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. maintain that they are not proper defendants in the Action and that venue is improper in this District as to Defendants;

WHEREAS, Sanofi disagrees with the position of Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. that they are not proper defendants in the Action and that venue is improper;

WHEREAS, resolution of such disagreement by motion practice will consume time and expense that the parties wish to avoid by entering into this stipulation;

NOW THEREFORE, Sanofi and Defendants, by and through their respective undersigned counsel in the Action, and subject to the approval of the Court, stipulate and agree as follows:

1. Sanofi hereby dismisses without prejudice its claims as to Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc., pursuant to Fed. R. Civ. P. 41(a)(1)(A).
2. Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc., including any affiliates or subsidiaries who are in active concert or participation with Mylan N.V., Mylan Inc. and Mylan Pharmaceuticals, Inc., agree to be bound by any judgment, order, and/or decision rendered as to Mylan GmbH in the Action (including appeals) as if Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. were named defendants.
3. Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. agree that, solely for purposes of this Action, they will not contest venue or personal jurisdiction in this Court with respect to enforcing any such judgment, order, and/or decision against them related to the Action.
4. Mylan GmbH agrees not to withhold otherwise discoverable material or information in the Action that is proportional to the needs of the case solely on the basis that it is in the possession, custody, or control of Mylan N.V., Mylan Inc., and/or Mylan Pharmaceuticals Inc. For the avoidance of doubt, Mylan GmbH will search for documents, witnesses, and information of Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals, and will produce such documents, witnesses, and information that is discoverable and proportional to the needs of the case.

5. Sanofi hereby dismisses without prejudice Counts 3-5, 9-11, 13, 14, and 16-36 of the Complaint (ECF No. 1).

6. Within 15 days of filing this Stipulation, Sanofi and Defendants will jointly move in the Northern District of West Virginia to dismiss C.A. No. 1:17-cv-181 (IMK) without prejudice, including (i) Sanofi's complaint against Defendants, (ii) Defendants' Answer and Defenses, and (iii) Mylan GmbH's counterclaims.

7. Each party shall be responsible for its own attorneys' fees and costs with respect to the dismissed claims and counterclaims.

8. The parties hereby agree to jointly request the Court to schedule trial in the Action in October 2019. The parties hereby further agree to meet-and-confer as the case progresses and to jointly approach the Court to request a September 2019 trial date should the parties mutually agree that the case can be ready for trial then, and should there otherwise be no conflicts with such an earlier trial date.

9. The terms of this stipulation are made without prejudice to the respective positions of Sanofi and Defendants as to whether Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc. are proper defendants in the Action or whether venue is improper.

10. Upon entry of the stipulation, Defendants' motion to dismiss (ECF No. 10) and related papers are withdrawn as moot.

11. Mylan GmbH agrees to not challenge venue in this District for this Action for the duration of this Action and any appeals therefrom.

12. The terms of this stipulation shall not be used by Sanofi or Defendants to argue for or against venue or jurisdiction in the future.

13. The parties submit and consent to the jurisdiction of this Court for purposes of enforcing this stipulation, and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements.

14. The case caption for the Action is amended to remove Mylan N.V., Mylan Inc., and Mylan Pharmaceuticals Inc., as indicated in Exhibit A attached hereto.

Stipulated and agreed this 5<sup>th</sup> day of February 2018,

*s/Liza M. Walsh*

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*Attorneys for Plaintiffs Sanofi-Aventis U.S. LLC,  
Sanofi-Aventis Deutschland GmbH, and Sanofi  
Winthrop Industrie*

*s/Arnold B. Calmann*

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*Attorneys for Defendants Mylan GmbH  
Mylan Pharmaceuticals Inc., Mylan Inc., and  
Mylan N.V.*

**SO ORDERED.**

This \_\_\_\_\_, day of February, 2018.

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Hon. Stanley R. Chesler, U.S.D.J.

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