IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC., ASTELLAS US LLC, and ASTELLAS PHARMA US, INC. Plaintiffs, v. SICOR INC., SICOR PHARMACEUTICALS, INC., TEVA PHARMACEUTICALS USA, INC., and TEVA PHARMACEUTICAL INDUSTRIES, LTD. Defendants.	Civil Action No. 05-337 SLR

STIPULATION OF DISMISSAL OF COMPLAINT AS TO DEFENDANTS, TEVA PHARMACEUTICALS, USA, INC. AND TEVA PHARMACEUTICAL INDUSTRIES, LTD. AND AMENDMENT OF CAPTION

Plaintiffs King Pharmaceuticals Research and Development, Inc., Astellas US LLC, and Astellas Pharma US, Inc. (collectively "Plaintiffs") and defendants Sicor, Inc., Sicor Pharmaceuticals, Inc., (collectively "Sicor"), Teva Pharmaceuticals USA, Inc., ("Teva USA") and Teva Pharmaceutical Industries, Ltd., ("Teva Israel") hereby stipulate, subject to the approval of the Court, to dismiss the Complaint as filed by Plaintiffs against Teva USA and Teva Israel in this action. The action will continue against Sicor. It is further stipulated that this dismissal is without prejudice and is subject to the following conditions:

1. Teva USA and Teva Israel stipulate to be bound by any Judgment, Order, or decision in the above-captioned action that one or more claims of U.S. Patent No. 5,070,877 are not invalid and/or not unenforceable, and/or are infringed by Adenosine Injection, USP pursuant

to ANDA 77-425, including any Order granting preliminary or permanent injunctive relief against Sicor.

2. Teva USA and Sicor stipulate that Teva USA's documents, witnesses and information are in Sicor's custody or control for purposes of discovery or requests for admission in this lawsuit, subject to paragraph 5.

3. Teva Israel and Sicor stipulate that Teva Israel's documents, witnesses and information are in Sicor's custody or control for purposes of discovery or requests for admission in this lawsuit, subject to paragraph 5.

4. Pursuant to paragraphs 2 and 3 above, the term "Sicor" as used in discovery requests or requests for admission will include "Teva USA" and "Teva Israel" and Sicor will respond to discovery requests for information in the possession, custody or control of Teva USA or Teva Israel, including requests for Rule 30(b)(6) deposition testimony, and will certify interrogatory responses containing Teva USA or Teva Israel information.

5. If the parties agree that a Teva USA or Teva Israel employee is a necessary fact witness, the witness will be made available for deposition upon notice to Sicor. If the parties disagree as to whether the Teva USA or Teva Israel employee is a necessary fact witness, then the parties shall present the matter to the Court for resolution. In the event that the Court orders that the deposition of the Teva USA or Teva Israel employee shall be taken, then the Teva USA or Teva Israel employee will be made available for deposition pursuant to the Court's Order and, in the case of a Teva Israel employee, without requiring that Plaintiffs adhere to the procedures of The Hague Convention.

6. The case caption should be amended to read as follows: "King Pharmaceuticals Research and Development, Inc., Astellas US LLC, and Astellas Pharma US, Inc. v. Sicor, Inc. and Sicor Pharmaceuticals, Inc., Civil Action No. 05-337 SLR".

SO STIPULATED:

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SO ORDERED this __ day of August, 2005.

_____
U.S. District Court Judge

CERTIFICATE OF SERVICE

I, D. Fon Muttamara-Walker, Esquire, hereby certify that on August 8, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on August 8, 2005, I caused copies of the foregoing document to be served by hand delivery on the above listed counsel of record and on the following in the manner indicated:

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