IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY, LTD., a Japanese Corporation, and TAP PHARMACEUTICAL PRODUCTS INC., a Delaware Corporation, Plaintiffs and Counterclaim-Defendants,	)	
v.	)	C.A. No. 06-33-SLR
TEVA PHARMACEUTICALS USA, INC. a Delaware Corporation, and TEVA PHARMACEUTICAL INDUSTRIES LTD., an Israeli Corporation, Defendants and Counterclaim-Plaintiffs.	)	

STIPULATION AND ORDER REGARDING EXPERT DISCOVERY

Plaintiffs and Counterclaim-Defendants, Takeda Pharmaceutical Company Ltd. and TAP Pharmaceutical Products, Inc. (collectively "Plaintiffs"), and Defendants and Counterclaim-Plaintiffs, Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (collectively "Defendants"), stipulate and agree that, notwithstanding the provisions of Federal Rule of Civil Procedure 26 and any pertinent case law, discovery of experts shall be limited as follows:

1. Document discovery of experts shall be limited to the production of each testifying expert's final report(s), curricula vitae, engagement agreement(s), and invoice(s), as well as those documents and things which any testifying expert reviews or relies upon in the course of preparing and rendering his or her opinion(s). The parties expressly agree, however, that notwithstanding the provisions of this paragraph, they are not required to produce, nor will any party seek to discover, drafts of expert reports or any expert's notes. Further, the parties

expressly agree they will not seek discovery into the substance of any drafts of expert reports or edits to expert reports.

2. If any document relied upon by a testifying expert is not already in the possession of the opposing party, the party tendering the expert report shall produce a clean copy of that document to the opposing party at or before the time any expert report relying upon that document is served. Any tangible item relied upon by a testifying expert shall be made available for inspection to the opposing party at a mutually agreeable time and place.

3. The depositions of testifying experts shall be scheduled at a mutually agreeable time and will be located at the New York offices of Takeda's or TAP's counsel for experts of Takeda or TAP and the Atlanta office of Teva's counsel for experts of Teva. At the testifying expert's deposition, the parties shall be entitled to raise all issues addressed by any testifying expert's report(s), as well as the process undertaken by a testifying expert in preparing his or her report(s), the identity of the individual(s) who prepared each section of a testifying expert's report(s), how much time was spent drafting a testifying expert's report(s), whom a testifying expert spoke with during the preparation of the report(s), and the content of any communication between a testifying expert and any witness as part of the preparation of the report(s). The parties expressly agree, notwithstanding the provisions of this paragraph, they will not seek discovery of the content of any communications between a testifying expert and counsel concerning the opinions formed by the expert or the preparation of the expert's report(s).

4. The parties expressly agree each party will bear the costs of making its testifying expert(s) available for deposition by the opposing party.

5. Nothing in this agreement is intended to bar discovery of documents that are otherwise discoverable from a party or third party outside the context of expert discovery, or

intended to alter the otherwise applicable rules regarding a party's ability or inability to obtain prior testimony or statements by a testifying expert witness.

Dated: August 11, 2006

AGREED TO BY:

CONNOLLY BOVE LODGE & HUTZ LLP

/s/ Arthur G. Connolly, III

Arthur G. Connolly, III (No. 2667)
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19801
Phone: (302) 658-9141
Attorneys for Plaintiffs and Counterclaim-Defendants Takeda Pharmaceutical Company, Ltd. and TAP Pharmaceutical Products, Inc.

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

Josy W. Ingersoll (No. 1088)
John W. Shaw (No. 3362)
Karen L. Pascale (No. 2903)
The Brandywine Building
1000 West St., 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Phone: (302) 571-6600
Attorneys for Defendants and Counterclaim-Plaintiffs Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.

OF COUNSEL:

Eric J. Lobenfeld
Tedd W. Van Buskirk
Arlene L. Chow
HOGAN & HARTSON LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000
Attorneys for Plaintiff and Counterclaim-Defendant Takeda Pharmaceutical Company, Ltd.

OF COUNSEL:

John L. North
Jeffrey J. Toney
Jeffrey D. Blake
999 Peachtree Street
Atlanta, Georgia 30309-3996
Telephone: (404) 853-8000
Attorneys for Defendants and Counterclaim-Plaintiffs Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.

Philippe Y. Riesen
HOGAN & HARTSON LLP
Shinjuku Center Building, 46th Floor
25-1 Nishi-Shinjuku 1 chome
Shinjuku, Tokyo 163-0646
Japan
Telephone: (81) 3-5908-0470
Attorneys for Plaintiff and
Counterclaim-Defendant
Takeda Pharmaceutical Company, Ltd.

William F. Cavanaugh, Jr.
Stuart E. Pollack
Chad J. Peterman
PATTERSON BELKNAP WEBB & TYLER
LLP
1133 Avenue of the Americas
New York, NY 10036
Telephone: (212) 366-2000
Attorneys for Plaintiff and
Counterclaim-Defendant
TAP Pharmaceutical Products, Inc.

SO ORDERED this _____ day of _____, 2006.

_____
United States District Judge

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on August 11, 2006, 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 e-mail notification that such filing is available for viewing and downloading to the following counsel of record:

Arthur G. Connolly, III [aconnollyIII@cblh.com]

Eric J. Lobenfeld [ejlobenfeld@hhlaw.com]
Tedd W. Van Buskirk [twvanbuskirk@hhlaw.com]
Arlene L. Chow [alchow@hhlaw.com]
Philippe Y. Riesen [pyriesen@hhlaw.com]

William F. Cavanaugh, Jr. [wfcavanaugh@pbwt.com]
Stuart E. Pollack [sepollack@pbwt.com]
Chad J. Peterman [cjpeterman@pbwt.com]

I further certify that on August 11, 2006, I caused a copy of the foregoing document to be served on the following counsel of record in the manner indicated:

By Hand

Arthur G. Connolly, III
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19801

By E-Mail

Eric J. Lobenfeld [ejlobenfed@hhlaw.com]
Tedd W. Van Buskirk [twvanbuskirk@hhlaw.com]
Arlene L. Chow [alchow@hhlaw.com]
HOGAN & HARTSON LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000

Philippe Y. Riesen [pyriesen@hhlaw.com]
HOGAN & HARTSON LLP
Shinjuku Center Building, 46th Floor
25-1 Nishi-Shinjuku 1-chome
Shinjuku, Tokyo 163-0646
Telephone: (81) 3-5908-0407

William F. Cavanaugh [wfcavanuagh@pbwt.com]
Stuart E. Pollack [sepollack@pbwt.com]
Chad J. Peterman [cjpeterman@pbwt.com]
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Telephone: (212) 336-2000

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Karen L. Pascale (No. 2903)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kpascale@ycst.com

Attorneys for Defendant and Counterclaim-Plaintiffs, Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd.