IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY LTD., TAP PHARMACEUTICAL PRODUCTS INC., and ETHYPHARM, S.A.,	)	
Plaintiffs,	)	C.A. No. 07-331- SLR
v.	)	
TEVA PHARMACEUTICALS USA, INC., and TEVA PHARMACEUTICAL INDUSTRIES LTD.,	)	
Defendants.	)	

STIPULATION REGARDING CROSS-DESIGNATION

WHEREAS, plaintiffs Takeda Pharmaceutical Company Ltd. ("Takeda"), TAP Pharmaceutical Products Inc. ("TAP"), and Ethypharm, S.A. ("Ethypharm"), and defendants Teva Pharmaceuticals USA, Inc. ("Teva USA") and Teva Pharmaceutical Industries Ltd. ("Teva Ltd.") are participating in discovery in the above-styled proceeding[1];

WHEREAS, Takeda, TAP, Teva USA and Teva Ltd. also are participating in discovery in Takeda Pharmaceutical Co., Ltd. v. Teva Pharmaceuticals USA, Inc., C.A. No. 06-33-SLR (D. Del., filed January 17, 2006) (the "First Lansoprazole Action"); and

WHEREAS, Takeda, TAP, Teva USA and Teva Ltd. provided and exchanged (and will continue to provide and exchange) a significant amount of discovery (e.g., millions of pages of documents) during the course of the First Lansoprazole Action; and

[1] Takeda, TAP, Ethypharm, Teva USA and Teva Ltd. will be referred to collectively as "the Parties."

WHEREAS, the Parties understand and agree that much of the discovery information that has and/or will be produced in the First Lansoprazole Action may be discoverable in the above-styled proceeding; and

WHEREAS, the Parties recognize and agree that they would realize significant efficiency benefits if the discovery from the First Lansoprazole Action could be made available in the above-styled proceeding without the need for a separate additional production of the same materials; and

WHEREAS, Ethypharm is not a party to the First Lansoprazole Action;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. In an effort to complete discovery in the above-styled proceeding in a cost-effective and expeditious manner, the Parties agree that all discovery provided by and exchanged between Takeda, TAP, Teva USA and Teva Ltd. in the First Lansoprazole Action, including, but not limited to, document production, production of tangible things such as products, chemical samples, electronic information, written discovery responses, deposition testimony in transcript and videotape form and exhibits to deposition testimony and results of inspections under Rule 34 shall be cross-designated ("CROSS-DESIGNATED DISCOVERY") and deemed produced by the same party in the above-styled proceeding and shall be available for use by the Parties in the above-styled proceeding as if such discovery was specifically provided by and to the Parties in the above-styled proceeding. There is no need to separately produce CROSS-DESIGNATED DISCOVERY from the First Lansoprazole Action to Ethypharm because Ethypharm is represented by the same counsel representing Takeda and TAP in the First Lansoprazole Action and in the above-styled proceeding.

2. The Parties agree that all CROSS-DESIGNATED DISCOVERY deemed to be produced in the above-styled proceeding by this Stipulation shall be subject to the same objections, limitations, stipulations and agreements among the Parties as may have applied or been imposed in the First Lansoprazole Action. The Parties acknowledge and agree that this cross-designation of discovery is subject to Paragraph 21 of the Stipulated Protective Order entered in the above-styled proceeding on September 5, 2007 (D.I. 28) , or any amendments thereto ("Protective Order") regarding inadvertent production and non-waiver of the attorney-client privilege. By entering into this Stipulation, no party admits that any particular item subject to this Stipulation is relevant to or otherwise admissible in the above-styled proceeding.

3. To expedite production and use of all CROSS-DESIGNATED DISCOVERY and other documents, the Parties agree that any CROSS-DESIGNATED DISCOVERY by or between the Parties and any pleadings, motions, briefs, written submissions, hearing transcripts, trial transcripts, proposed findings of fact or other matters of record in the First Lansoprazole Action (1) that are designated "CONFIDENTIAL" under the protective order in the First Lansoprazole Action shall be designated as "CONFIDENTIAL" pursuant to the Protective Order in the above-styled proceeding and (2) that are designated "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS EYES ONLY" under the protective order in the First Lansoprazole Action shall be designated as "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS EYES ONLY" information pursuant to the Protective Order in the above-styled proceeding. Any requests for reclassification shall be governed by the Protective Order in the above-styled proceeding.

4. The Parties agree that, to the extent any pleadings, motions, briefs, written submissions, hearing transcripts, trial transcripts, proposed findings of fact or other matters of record in the First Lansoprazole Action are "sealed" such that they are not part of the public record of the First Lansoprazole Action, such pleadings, motions, briefs, written submissions, hearing transcripts, trial transcripts, proposed findings of fact or other matters of record shall be designated as "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS EYES ONLY" pursuant to the Protective Order in the above-styled proceeding. Any requests for reclassification shall be governed by the Protective Order in the above-styled proceeding.

5. To the extent that any third party is or has been served with a subpoena or other method of securing discovery from a non-party in the above-styled proceeding and has also previously provided discovery in the First Lansoprazole Action, said third party shall be advised of this Stipulation Regarding Cross-Designation and shall be provided an opportunity to agree in writing to the terms set forth herein and cross-designate some or all of the third party's discovery from the First Lansoprazole Action in order to satisfy some or all of the third party's discovery obligations in the above-styled proceeding.

6. Notwithstanding the agreements made herein, nothing in this Stipulation shall be construed to suggest that confidential information belonging to any third party shall be subject to production in the above-styled proceeding absent the consent of the third party or Court order.

[SIGNATURES ON FOLLOWING PAGE]

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SO ORDERED this _____ day of _____, 2007.

_____
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on September 5, 2007, 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 September 5, 2007, I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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