IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY LIMITED, 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.	)	

STIPULATED ORDER TO SUBSTITUTE PARTIES
AND JOIN ADDITIONAL PLAINTIFFS

This stipulation reflects the agreement of all parties in this matter to substitute Takeda Pharmaceuticals North America, Inc. ("TPNA") as a Plaintiff-Counterclaim Defendant in place of TAP Pharmaceutical Products Inc. ("TAP") and to add two additional Plaintiffs – Counterclaim Defendants, as detailed below. Now therefore, pursuant to Federal Rules of Civil Procedure 20(a)(1)(A) and 25(c),

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, as follows:

1. Effective July 1, 2008, current plaintiff TAP merged with TPNA, a corporation duly organized under the laws of the State of Delaware, with its principal place of business in Deerfield, Illinois. As a result of this merger, TAP ceased to exist as an independent corporate entity, and TPNA became its successor-in-interest. Thus, TPNA is now the owner of NDA No. 21-428, and the parties hereby stipulate to the substitution of TPNA for TAP.

2. In addition, the parties further stipulate the addition of two new parties – Takeda Pharmaceuticals LLC ("LLC") and Takeda Pharmaceuticals America, Inc. ("TPA") – a limited liability company and corporation, respectively, duly organized under the laws of the State of Delaware and wholly-owned subsidiaries of TPNA. By assignment from TAP, LLC is now the exclusive licensee of U.S. Patents No. 4,628,098, 5,045,321, and 6,328,994, and the exclusive sublicensee for lansoprazole of U.S. Patent No. 5,464,632, which are the patents-in-suit in this action. TPNA holds the exclusive right to import Prevacid SoluTab – the product covered by NDA No. 210-428 – into the United States, and to sell Prevacid SoluTab exclusively to LLC. TPA holds the exclusive right to buy Prevacid SoluTab from LLC and the exclusive right to sell Prevacid SoluTab to the public in the United Sates.

3. Upon the substitution of TPNA for TAP, and the addition of LLC and TPA, the Plaintiffs – Counterclaim Defendants will hold all rights to enforce the '098, '321, '632, and '994 patents, and Teva therefore will not face another claim by another party concerning Teva's lansoprazole ODT formulation in ANDA No. 78-730. Plaintiffs will describe the parties' rights in the pre-trial order.

4. Plaintiffs further agree that if the Court were to award attorneys' fees under 35 U.S. Code § 285 or any other legal authority, the new parties will be jointly liable with the other parties for any awarded fees, including fees incurred before the merger.

5. Upon entry of this stipulated order, the caption in this action shall be revised as set forth below:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

ASHBY & GEDDES

/s/ Steven J. Balick

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
Attorneys for Plaintiffs

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Karen L. Pascale

Karen L. Pascale (I.D. #2903)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600
Attorneys for Defendants

Of Counsel:

Eric J. Lobenfeld
Tedd W. Van Buskirk
Arlene L. Chow
Dillon Kim
HOGAN & HARTSON LLP
875 Third Avenue
New York, NY 10022
(212) 918-3000

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

William F. Cavanaugh, Jr.
Stuart E. Pollack
Patrick S. Almonrode
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 366-2000
Attorneys for Plaintiffs Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals America, Inc., and Takeda Pharmaceuticals LLC

Paul A. Ragusa
Lisa Kole
Sandra S. Lee
BAKER BOTTS LLP
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2588
Attorneys for Plaintiff Ethypharm S.A.

Of Counsel:

John L. North
Jeffrey J. Toney
Ann G. Fort
Laura F. Fritts
Jeffrey D. Blake
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996
(404) 853-8000
Attorneys for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.

SO ORDERED, this _____ day of _____, 2008.

_____
United States District Judge