

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HELSINN HEALTHCARE S.A. and	)	
ROCHE PALO ALTO LLC,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 13-688-GMS
v.	)	CONSOLIDATED
	)	
AUROBINDO PHARMA LTD. and	)	
AUROMEDICS PHARMA LLC,	)	
	)	
Defendants.	)	

HELSINN HEALTHCARE S.A. and	)	
ROCHE PALO ALTO LLC,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 13-1612-GMS
v.	)	
	)	
BEN VENUE LABORATORIES, INC.	)	
d/b/a BEDFORD LABORATORIES	)	
	)	
Defendant.	)	

HELSINN HEALTHCARE S.A. and	)	
ROCHE PALO ALTO LLC,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 13-2101-GMS
v.	)	
	)	
ACCORD HEALTHCARE, INC.	)	
	)	
	)	
Defendants.	)	

HELSINN HEALTHCARE S.A. and	)	
ROCHE PALO ALTO LLC,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 14-427-GMS
v.	)	
	)	
CIPLA LTD. and CIPLA USA, INC.,	)	
	)	
	)	
Defendants.	)	

STIPULATION AND ORDER

WHEREAS, Plaintiffs Helsinn Healthcare S.A. and Roche Palo Alto LLC (collectively, “Plaintiffs”) have filed Civil Action Nos. 13-688-GMS and 13-1612-GMS (consolidated), pursuant to the Hatch-Waxman Act, 35 U.S.C. § 271(e)(2), alleging infringement of United States Patent Nos. 7,947,724, 7,947,725, 7,960,424, 8,518,981, 8,598,218, and 8,598,219 by Defendants Aurobindo Pharma Ltd. and AuroMedics Pharma LLC and Defendant Ben Venue Laboratories, Inc. d/b/a Bedford Laboratories;

WHEREAS, Plaintiffs have filed Civil Action Nos. 13-2101-GMS and 14-427-GMS, pursuant to the Hatch-Waxman Act, 35 U.S.C. § 271(e)(2), alleging infringement of United States Patent Nos. 8,598,218 and 8,598,219 by Defendant Accord Healthcare, Inc. and Defendants Cipla Ltd. and Cipla USA, Inc. (all defendants collectively, “Defendants”);

WHEREAS, Defendants Aurobindo Pharma Ltd. and AuroMedics Pharma LLC, Defendant Ben Venue Laboratories, Inc. d/b/a Bedford Laboratories, and Defendants Cipla Ltd. and Cipla USA, Inc. have filed counterclaims alleging United States Patent Nos. 7,947,724, 7,947,725, 7,960,424, 8,518,981, 8,598,218, and 8,598,219 are invalid and/or not infringed;

WHEREAS, all four actions relate to Defendants' submissions of Abbreviated New Drug Applications to the U.S. Food and Drug Administration for approval to market generic versions of Helsinn's Aloxi[®] brand palonosetron hydrochloride intravenous solutions;

WHEREAS, on May 20, 2014, United States Patent No. 8,729,094, titled "Liquid Pharmaceutical Formulations of Palonosetron" ("the '094 Patent") issued, and the '094 Patent has been listed in the Orange Book for Aloxi[®];

WHEREAS, the parties wish to add the '094 Patent to these litigations;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendants, through their undersigned counsel, and subject to the approval of the Court:

1. Upon entry of this Stipulation and Order by the Court, Plaintiffs may file as separate docket items amended complaints in Civil Action Nos. 13-688-GMS, 13-1612-GMS, 13-2101-GMS, and 14-427-GMS adding claims for infringement of the '094 patent, and removing with prejudice any claims concerning U.S. Patent Nos. 8,598,218 and 8,518,981;
2. The Court's decision regarding Accord's Motion to Dismiss in Civil Action No. 13-2101-GMS, which has been fully briefed by Accord and Plaintiffs (D.I. 11, D.I. 15, D.I. 18, D.I. 20, D.I. 21, and D.I. 22), will apply equally to the '094 patent and no further briefing by either party concerning Accord's motion shall be necessary;
3. Civil Action Nos. 13-688-GMS, 13-1612-GMS, 13-2101-GMS, and 14-427-GMS are consolidated for all purposes, and all papers shall be filed in Civil Action No. 13-688-GMS;
4. An agreed-upon schedule, attached as Exhibit A, shall apply in these consolidated actions;
5. The discovery limitations set forth in the December 17, 2013 Joint Status

Report (D.I. 25) submitted in Civil Action No. 13-688-GMS shall apply to these consolidated actions;

6. The provisions of the Stipulated Protective Order entered as D.I. 44 in Civil Action No. 13-688-GMS, a copy of which is attached hereto as Exhibit B, shall apply in these consolidated actions, subject to the additional designation of in-house representatives for Accord and Cipla in paragraph 10(h).

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IT IS SO ORDERED this _____ day of June 2014.

J.