IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

HELSINN HEALTHCARE S.A. and ROCHE PALO ALTO LLC, Plaintiffs, v. AUROBINDO PHARMA LTD. and AUROMEDICS PHARMA LLC, Defendants.	)	C.A. No. 13-688-GMS CONSOLIDATED
HELSINN HEALTHCARE S.A. and ROCHE PALO ALTO LLC, Plaintiffs, v. BEN VENUE LABORATORIES, INC. d/b/a BEDFORD LABORATORIES, Defendant.	)	C.A. No. 13-1612-GMS

STIPULATION AND ORDER TO SUBSTITUTE PARTIES

WHEREAS, in in the above-captioned action[1], plaintiffs Helsinn Healthcare S.A. and Roche Palo Alto LLC (collectively, "Plaintiffs") filed a Second Amended Complaint against Ben Venue Laboratories, Inc. d/b/a Bedford Laboratories ("Ben Venue") asserting that Ben Venue's filing under section 505(j) of the Federal Food, Drug, and Cosmetic Act of ANDA No. 205048 with a Paragraph IV Certification to obtain approval to engage in the commercial manufacture, use, sale, offer for sale, and/or importation into the United States of generic 0.25 mg/5 mL

[1] The above-captioned actions have been further consolidated with C.A. Nos. 13-2101-GMS and 14-427-GMS.

palonosetron hydrochloride intravenous solutions prior to the expiration of U.S. Patent Nos. 7,947,724, 7,947,725, 7,960,424, 8,598,219, and 8,729,094 infringes those patents; and

WHEREAS, Ben Venue has represented that, effective July 15, 2014, it has divested itself of all rights, title, and interest in and to ANDA No. 205048; and

WHEREAS, Eurohealth International Sarl ("Eurohealth") has represented that it now owns ANDA No. 205048, and has informed the Food and Drug Administration ("FDA") of its commitment to all agreements, promises, and conditions made by the former owner and contained in the ANDA, and that it has appointed West-Ward Pharmaceutical Corp. ("West-Ward") as its U.S. Agent for the ANDA; and

WHEREAS, Eurohealth and West-Ward do not contest this Court's jurisdiction for the purposes of this action; and

WHEREAS, Eurohealth and West-Ward agree to be bound by the Stipulated Protective Order entered on March 17, 2014 (D.I. 44 in C.A. No. 13-688-GMS), subject to any previous amendments regarding persons entitled to review Sensitive Material;

WHEREAS, Eurohealth and West-Ward agree to be bound by the schedule set by the Court on July 10, 2014 (D.I. dated July 10, 2014 in C.A. No. 13-688-GMS), and all amendments to the schedule agreed upon by Ben Venue, unless and until the schedule is altered by the Court;

WHEREAS, for the purposes of the above-captioned consolidated cases only, Eurohealth and West-Ward agree to adopt all of Ben Venue's prior claim construction submissions as their own, and submit to any Claim Construction Order entered by the Court;

WHEREAS, for the purposes of the above-captioned consolidated cases only, Eurohealth and West-Ward agree to respond to any discovery requests previously served by Plaintiffs on Ben Venue, and to obtain from Ben Venue any information necessary to respond to those

discovery requests; and Ben Venue agrees to provide such information in response to those discovery requests.

IT IS HEREBY STIPULATED AND AGREED by and between Eurohealth, West-Ward, Plaintiffs, and Ben Venue, through their undersigned counsel, and subject to the approval of the Court that:

1. Eurohealth International Sarl and West-Ward Pharmaceutical Corp. are hereby substituted for Ben Venue Laboratories, Inc. formerly d/b/a Bedford Laboratories as Defendants in this action.

2. Ben Venue Laboratories, Inc. d/b/a Bedford Laboratories shall be and hereby is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and this action will continue against Eurohealth International Sarl and West-Ward Pharmaceutical Corp.

3. All prior pleadings, motions, answers, and/or other filed documents in this case reflecting "Ben Venue Laboratories, Inc. d/b/a Bedford Laboratories" are deemed to say "Eurohealth International Sarl" and "West-Ward Pharmaceutical Corp." instead.

4. The case caption shall hereafter be styled as follows:

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

Plaintiffs,	)	
	)	
v.	)	C.A. No. 13-1612-GMS
	)	
EUROHEALTH INTERNATIONAL SARL AND WEST-WARD PHARMACEUTICAL CORP.,	)	
	)	
Defendants.	)	

5. Eurohealth International Sarl and West-Ward Pharmaceutical Corp. shall be deemed to be bound by the Stipulated Protective Order (D.I. 44 in C.A. No. 13-688-GMS) as of the date of this Order, subject to any previous amendments regarding persons entitled to review Sensitive Material, and the Stipulated Protective Order is hereby amended to identify David Berger, Vice President, Legal Affairs, West-Ward Pharmaceuticals and Rebecca Jewell, Corporate Counsel, West-Ward Pharmaceuticals as in-house counsel designated to receive Confidential and Highly Confidential information under Paragraphs 10(h) and 11.

Dated October 16, 2014

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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It is SO ORDERED this 16th day of Oct, 2014

United States District Judge