IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENDO PHARMACEUTICALS SOLUTIONS INC., BAYER INTELLECTUAL PROPERTY GMBH, and BAYER PHARMA AG,	)	
Plaintiffs,	)	
v.	)	C.A. No. 14-1422 (SLR) (SRF)
PADDOCK LABORATORIES, LLC and PERRIGO COMPANY,	)	
Defendants.	)	

STIPULATION

Plaintiffs Endo Pharmaceuticals Solutions Inc., Bayer Intellectual Property GmbH, and Bayer Pharma AG (collectively, "Plaintiffs") and Defendants Paddock Laboratories, LLC and Perrigo Company (collectively, "Defendants"), by and through their undersigned counsel, hereby make the following trial stipulation:

1. Argument and evidence concerning the Fricke Declaration(s), and the data omitted from the experiment reported in that declaration, are not permitted.

2. Argument and evidence that the secondary consideration of unexpected results supports the nonobviousness of the patents-in-suit are not permitted.

3. In addition to the facts stipulated in Paragraph 15 of Exhibit 1 of the Joint Pre-trial Order, the parties also stipulate that the Patent Examiner of the patents-in-suit was not aware that the composition used in the studies that formed the basis of the Behre, Nieschlag, and von Eckardstein articles contained a vehicle consisting of 40.7% by volume castor oil and 59.3% by volume benzyl benzoate.

4. The parties stipulate that the Notice of Allowability for the '395 patent included

the statement: "The following is an examiner's statement of reasons for allowance: the claims recite the concentration of castor oil in the co-solvent. Such composition is not fairly suggested nor taught by the cited prior art. Therefore, claims 1-28 are allowed."

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September 14, 2016

SO ORDERED this _____ day of September, 2016

The Honorable Sue L. Robinson