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. PADDOCK LABORATORIES, LLC and PERRIGO COMPANY, Defendants.	)	C.A. No. 14-1422-SLR

JOINT MOTION TO SUBSTITUTE CUSTOPHARM, INC. FOR PADDOCK LABORATORIES, LLC and PERRIGO COMPANY

Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, 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 jointly move the Court for an order substituting the currently named defendants Paddock Laboratories, LLC and Perrigo Company with new defendant Custopharm, Inc. In support therefore, Paddock Laboratories, LLC, Perrigo Company, Custopharm, Inc., Endo Pharmaceuticals Solutions Inc., Bayer Intellectual Property GmbH, and Bayer Pharma AG (collectively, the "Parties") state as follows:

1. On November 20, 2014, plaintiffs filed this suit against Defendants, alleging infringement of two patents relating to the filing of ANDA No. 207538 with the United States Food and Drug Administration ("FDA"): U.S. Patent Nos. 7,718,640 ("the '640 patent) and 8,338,395 ("the '395 patent"). (D.I. 1)

2. On September 26-29, 2016, the Court held a bench trial on the issue of whether Claim 2 of the ’640 patent and Claim 18 of the ’395 patent are invalid for obviousness.

3. Post-Trial Briefing is nearly complete. On November 18, 2016, Defendants submitted their Opening Post-Trial Brief. (D.I. 76). On December 16, 2016, Plaintiffs submitted their Response Brief. (D.I. 78). Defendants will submit their Reply Post-Trial Brief by January 13, 2017 and Electronic Hyperlinked Copies of all Post-Trial Briefs by January 27, 2017, as laid out in the Joint Stipulation Regarding Post-Trial Submissions. (D.I. 71, so ordered November 8, 2016.)

4. Effective as of January 3, 2017, Defendants reached an Agreement (hereinafter, “Agreement”) with Custopharm, Inc. for the complete sale and transfer of all rights and obligations related to Abbreviated New Drug Application (“ANDA”) No. 207583 filed with the FDA.

5. This Agreement necessitates the substitution of Custopharm, Inc. for Defendants.

6. Plaintiffs agree that the substitution of parties requested in this Motion is warranted.

7. Counsel of record for Paddock Laboratories, LLC and Perrigo Company also represents Custopharm, Inc. and is authorized by Paddock Laboratories, LLC, Perrigo Company, and Custopharm, Inc. to effectuate this substitution.

For all these reasons, the Parties hereby respectfully move the Court for an order substituting current defendants Paddock Laboratories, LLC and Perrigo Company with new defendant Custopharm, Inc.

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