IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ASTELLAS PHARMA INC., ASTELLAS IRELAND CO., LTD., and ASTELLAS PHARMA GLOBAL DEVELOPMENT, INC.,	)	
Plaintiffs,	)	
v.	)	C. A. No. 16-905-SLR
ACTAVIS ELIZABETH LLC, ACTAVIS LLC, and ACTAVIS INC.,	)	
Defendants.	)	

STIPULATION AND ORDER DISMISSING DEFENDANT ACTAVIS, INC. WITHOUT PREJUDICE

This stipulation is made by and between Plaintiffs Astellas Pharma Inc., Astellas Ireland Co., Ltd, and Astellas Pharma Global Development, Inc. and Defendants Actavis LLC and Actavis Elizabeth LLC.

WHEREAS, Plaintiffs filed suit against Actavis, Inc., Actavis LLC, and Actavis Elizabeth LLC in the above-captioned case (the "Action");

WHEREAS, Actavis, Inc. no longer exists in its same corporate form, and is now named Allergan Finance LLC;

WHEREAS, Actavis, Inc. (n/k/a Allergan Finance LLC) was not acquired by Teva Pharmaceuticals Industries Ltd. and Defendants Actavis LLC and Actavis Elizabeth LLC maintain that Allergan Finance LLC is not a proper defendant in the Action;

WHEREAS Actavis Elizabeth LLC and Actavis LLC agree and represent that any information relevant to ANDA No. 209368 that may have previously been held by Actavis, Inc.

(n/k/a Allergan Finance LLC) is now in the possession, custody, or control of Actavis Elizabeth LLC and/or Actavis LLC;

NOW THEREFORE, Plaintiffs and Defendants Actavis LLC and Actavis Elizabeth LLC, by and through their respective undersigned counsel in the Action, and subject to the approval of the Court, stipulate and agree as follows:

1. Actavis, Inc. (n/k/a Allergan Finance LLC) is dismissed from the Action without prejudice.

2. Actavis Elizabeth LLC and Actavis LLC agree and represent that any information relevant to ANDA No. 209368 that may have previously been held by Actavis, Inc. (n/k/a Allergan Finance LLC) is now in the possession, custody, or control of Actavis Elizabeth LLC and/or Actavis LLC for purposes of discovery in this case.

3. Actavis Elizabeth LLC and Actavis LLC agree that they will not contest personal jurisdiction in this Court for purposes of the Action only and, as such, will not move to dismiss the Action on grounds that the District Court for the District of Delaware lacks jurisdiction over Actavis Elizabeth LLC or Actavis LLC for purposes of the Action. Actavis Elizabeth LLC and Actavis LLC also agree that they will not contest venue in the District of Delaware in the Action and, as such, will not move to change the venue of the Action.

4. The terms of this stipulation are made without prejudice to the respective positions of Plaintiffs and Defendants Actavis Elizabeth LLC and Actavis LLC as to whether Actavis, Inc. or Allergan Finance LLC is a proper defendant in the Action, and whether Actavis Elizabeth LLC and Actavis LLC are subject to personal jurisdiction in this Court. The terms of this stipulation also cannot be used by Plaintiffs or Defendants Actavis LLC and Actavis Elizabeth LLC to argue for or against jurisdiction in the future.

5. The case caption for the Action should be amended to remove Actavis, Inc. as follows:

ASTELLAS PHARMA INC., ASTELLAS IRELAND CO., LTD., and ASTELLAS PHARMA GLOBAL DEVELOPMENT, INC., Plaintiffs, v. ACTAVIS ELIZABETH LLC and ACTAVIS LLC, Defendants.	)	C. A. No. 16-905-SLR

/s/ Maryellen Noreika
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Dated: October 31, 2016

SO ORDERED this ____ day of _____, 2016

_____
United States District Judge