IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-61631-CIV-COHN/SELTZER
CONSOLIDATED CASE NO. 15-62081-CIV-COHN/SELTZER

AMGEN INC. and AMGEN MANUFACTURING LIMITED,

Plaintiffs,

vs.

APOTEX INC. and APOTEX CORP.,

Defendants.

JOINT STIPULATION OF DISMISSAL OF ALL COUNTERCLAIMS OF UNLAWFUL MONOPOLIZATION IN VIOLATION OF THE SHERMAN ACT: SHAM LITIGATION

Plaintiffs Amgen Inc. and Amgen Manufacturing Limited (collectively, "Amgen") and Defendants Apotex Inc. and Apotex Corp. (collectively, "Apotex"), by and through their counsel, jointly stipulate to the dismissal, without prejudice, of all counterclaims related to Unlawful Monopolization in Violation of the Sherman Act: Sham Litigation on the terms set forth herein:

1. Apotex's counterclaims of Unlawful Monopolization in Violation of the Sherman Act: Sham Litigation (*see* Count III of D.E. 47 (incorporating D.E. 35), ¶¶ 51–100 and Count V of D.E. 64, ¶¶ 69–118) are hereby dismissed without prejudice.

2. Apotex's Corrected Answer and Counterclaims filed October 23, 2015 [D.E. 47 in Case No. 15-61631] and Apotex's Answer and Counterclaims filed December 1, 2015 [D.E. 64 in Case No.15-cv-61631] are deemed amended on consent of the parties in accordance with this stipulation.

3. The parties agree that neither party is a prevailing party with respect to the Unlawful Monopolization in Violation of the Sherman Act: Sham Litigation counterclaim and accordingly no party shall be entitled to attorneys' fees or costs with respect to the Unlawful Monopolization in Violation of the Sherman Act: Sham Litigation counterclaim.

AGREED AND STIPULATED TO:

Date: May 31, 2016

By: _____

John F. O'Sullivan Fla. Bar No. 143154
Allen P. Pegg Fla. Bar No. 597821
Jason D. Sternberg Fla. Bar No. 72887
HOGAN LOVELLS
600 Brickell Ave., Suite 2700
Miami, FL 33131
Telephone: (305) 459-6500
Email: john.osullivan@hoganlovells.com
allen.pegg@hoganlovells.com
jason.sternberg@hoganlovells.com

Of Counsel:

Nicholas Groombridge
Catherine Nyarady
Eric Alan Stone
Jennifer H. Wu
Jennifer Gordon
Peter Sandel
Conor McDonough
Ana Friedman
Arielle K. Linsey
Stephen A. Maniscalco
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Email: ngroombridge@paulweiss.com
cnyarady@paulweiss.com
jengordon@paulweiss.com
psandel@paulweiss.com

Wendy A. Whiteford
Lois M. Kwasigroch
Kimberlin Morley
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320
Telephone: (805) 447-1000
Email: wendy@amgen.com

By: _____

Simeon D. Brier
Florida Bar No.: 525782
Matthew B. Criscuolo
Florida Bar No.: 58441
COZEN O'CONNOR
One North Clematis Street, Suite 510
West Palm Beach, FL 33401
Telephone: 561-515-5250
Email: sbrier@cozen.com
mcriscuolo@cozen.com

Of Counsel:

W. Blake Coblentz
Kerry B. McTigue
Barry P. Golob
Milton A. Marquis
Ryan P. Blaney
Aaron S. Lukas
Ryan P. Bottegal
Eric J. Choi
COZEN O'CONNOR
1200 Nineteenth Street, N.W., Suite 300
Washington, DC 20036
Telephone: 202-912-4800
Email: wcoblentz@cozen.com
kmctigue@cozen.com
bgolob@cozen.com
mmarquis@cozen.com
rblaney@cozen.com
alukas@cozen.com
rbottegal@cozen.com
echoi@cozen.com

Martin B. Pavane
Marilyn Neiman
Keri L. Schaubert
Julia S. Kim
COZEN O'CONNOR
277 Park Avenue
New York, NY 10172

loisk@amgen.com
kmorley@amgen.com

Attorneys for Plaintiffs Amgen Inc. and Amgen Manufacturing Limited

Telephone: 212-883-4900
Email: mpavane@cozen.com
mneiman@cozen.com
kschaubert@cozen.com
jkim@cozen.com

Attorneys for Defendants Apotex Inc. and Apotex Corp.

IT IS SO ORDERED.

DONE AND ORDERED at Chambers, Fort Lauderdale, Florida, this ___ day of _____, 2016.

_____
THE HONORABLE JAMES I. COHN
United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 31, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel and that a true and correct copy was served via electronic mail on all counsel of parties of record.

/s/ Simeon D. Brier
Simeon D. Brier

SERVICE LIST

John F. O'Sullivan
Allen P. Pegg
HOGAN LOVELLS
600 Brickell Ave., Suite 2700
Miami, FL 33131
Telephone: (305) 459-6500 Facsimile:
(305) 459-6550
john.osullivan@hoganlovells.com
allen.pegg@hoganlovells.com

Of Counsel:
Nicholas Groombridge
Catherine Nyarady
Eric Alan Stone
Jennifer Gordon
Peter Sandel
Ana J. Friedman
Conor McDonough
Stephen Maniscalco
Jennifer H. Wu
PAUL, WEISS, RIFKIND, WHARTON & GARRISON
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
ngroombridge@paulweiss.com
cnyarady@paulweiss.com
estone@paulweiss.com
jengordon@paulweiss.com
psandel@paulweiss.com
afriedman@paulweiss.com
cmcdonough@paulweiss.com
smaniscalco@paulweiss.com
jwu@paulweiss.com

Wendy A. Whiteford
Lois M. Kwasigroch
Kimberlin Morley
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320
Telephone: (805) 447-1000 Facsimile:
(805) 447-1010 wendy@amgen.com
loisk@amgen.com
kmorley@amgen.com

Attorneys for Plaintiffs and Counterclaim Defendants Amgen Inc. and Amgen Manufacturing Limited