THE UNITED STATES DISTRICT COURT
FOR THE SOUTERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 98-7164 CIV-JORDAN & 00-7057 CIV-JORDAN

ELAN CORPORATION, PLC,

Plaintiff,

v.

ANDRX PHARMACEUTICALS, INC.,

Defendant.

STIPULATED ORDER OF DISMISSAL OF ENTIRE ACTION

Upon stipulation of the parties to this action, it is hereby ordered that:

1. The claims of U.S. Patent No. 5,637,320 are valid, enforceable and infringed by the naproxen formulations that are the subject of Andrx Pharmaceuticals, Inc.'s ("Andrx") Abbreviated New Drug Application ("ANDA") No. 75-416, including any addition or supplement thereto ("Infringing Product");

2. Andrx is enjoined from any manufacture, use, sale, offer for sale or import of Infringing Product, as further detailed in the concurrently-filed Stipulated Injunction Order;

3. All claims by Elan Corporation, plc ("Elan") against Andrx are dismissed with prejudice;

4. All counterclaims by Andrx against Elan are dismissed with prejudice; and

5. Each party shall bear its own attorney fees and costs.

Dated: March 9, 2009

KLUGER, KERETZ, KAPLAN & BERLIN, P.A.

By: _____
Terri Meyers
Florida Bar No. 881279
201 South Biscayne Boulevard
Suite 1700 - Miami Center
Miami, Florida 33131
(305) 379-9000

James B. Monroe
Michael J. Flibbert
Paul W. Browning
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street N.W., Suite 700
Washington, D.C. 20005
(202) 408-4000

Attorneys for Plaintiff
Elan Corporation, PLC

Dated: March 9, 2009

DUANE MORRIS LLP

By: _____
Harvey W. Gurland, Jr., P.A.
Florida Bar No. 284033
200 South Biscayne Boulevard, Suite
3400
Miami, Florida 33131
305.960.2200 (telephone)
305.397.1874 (facsimile)

C. Kyle Musgrove
John W. Bateman
Thomas M. Huff
KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201

Philip J. McCabe
KENYON & KENYON LLP
333 W. San Carlos Street, Suite 600

San Jose, California 95110-2731
Telephone: (408) 975-7965
Facsimile: (408) 975-7501

Gerald J. Houlihan
Florida Bar No. 0458430
Houlihan & Partners, P.A.
Two Datran Center, Suite 1209
Miami, Florida 33156
Telephone: (305) 460-4091
Facsimile: (305) 397-0955

Attorneys for Defendant Andrx Pharmaceuticals, Inc.

So ORDERED and SIGNED this ___ day of _____, 2009.

_____ _____

Date

Honorable Adalberto Jordan
United States District Judge

Copy to: All counsel of record