**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 INJUNCTION ORDER**

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

1. With respect to the naproxen formulations that are the subject of Andrx's ANDA No. 75-416, including any addition or supplement thereto ("Infringing Product"), Andrx and its subsidiaries, parents, officers, directors, agents, servants, employees, attorneys, successors in interest, assigns and those persons in active concert or participation with them are hereby enjoined until the expiration of U.S. Patent No. 5,637,320 ("the '320 patent"), or final, non-appealable finding of unenforceability of the '320 patent, or final, non-appealable finding of invalidity of the claims of the '320 patent from manufacturing, using, selling, offering for sale, or importing into the United States such Infringing Product, or inducing or contributing to such manufacture, use, sale, offer for sale, or importation by any third party;

2. Within five (5) business days of the entry of the injunction, Andrx shall cease all advertisement of the Infringing Product, including on its website or in other publicly distributed listings of products;

3. Within five (5) business days of the entry of the injunction, Andrx shall instruct vendors of drug databases used by pharmacies to remove the listing of the Infringing Product from their databases;

4. Andrx shall destroy all inventory of the Infringing Product (other than product samples required to be retained in accordance with applicable law) within a reasonable time, in no event to exceed six (6) weeks, after the entry of the injunction, and serve upon counsel for Elan a sworn affidavit detailing that Andrx has complied with the foregoing within fifteen (15) days after the destruction of the Infringing Product; and

5. Andrx shall take all steps necessary to notify the FDA that it is no longer seeking to market its Infringing Product prior to the expiration of the '320 patent, including replacing its Certifications under 21 U.S.C. § 355(j)(2)(A)(vii)(IV), submitted in Andrx's ANDA No. 75-416, with Certifications under 21 U.S.C. § 355(j)(2)(A)(vii)(III) and further notifying the FDA that the Infringing Product is no longer available and therefore should not be referenced in any FDA listings of available products, such as the Orange Book.

Dated: March 9, 2009

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Dated: March 9 2009

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*Attorneys for Defendant Andrx Pharmaceuticals, Inc.*

So ORDERED and SIGNED this 10th day of March, 2009.

3-10-09
Date

Honorable Adalberto Jordan
United States District Judge

Copy to: All counsel of record