

Charles M. Lizza  
William C. Baton  
SAUL EWING LLP  
One Riverfront Plaza, Suite 1520  
Newark, NJ 07102-5426  
(973) 286-6700  
clizza@saul.com

Sheila Raftery Wiggins  
DUANE MORRIS LLP  
One Riverfront Plaza  
1037 Raymond Blvd., Suite 1800  
Newark, NJ 07102-5429  
(973) 424-2000  
srwiggins@duanemorris.com

*Attorneys for Plaintiffs  
Jazz Pharmaceuticals, Inc.  
and Jazz Pharmaceuticals Ireland Limited*

*Attorneys for Defendant-Counterclaimants  
Wockhardt Bio AG, Wockhardt USA LLC, and  
Wockhardt Ltd.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

JAZZ PHARMACEUTICALS, INC. and  
JAZZ PHARMACEUTICALS IRELAND  
LIMITED,

Plaintiffs,

v.

AMNEAL PHARMACEUTICALS, LLC, *et*  
*al.*,

Defendants.

---

JAZZ PHARMACEUTICALS, INC. and  
JAZZ PHARMACEUTICALS IRELAND  
LIMITED,

Plaintiffs,

v.

WOCKHARDT BIO AG, WOCKHARDT  
LIMITED, and WOCKHARDT USA LLC,

Defendants.

---

)  
)  
)  
)  
) Civil Action No. 13-391 (ES)(JAD)  
) (consolidated)

)  
) (Filed Electronically)  
)  
)  
)

)  
)  
)  
)  
) Civil Action No. 16-99 (ES)(JAD)

)  
) (Filed Electronically)  
)  
)  
)

## **STIPULATION AND ORDER OF DISMISSAL**

The Court, upon the consent and request of Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (collectively, “Jazz”) and Defendants Wockhardt Bio AG, Wockhardt Limited and Wockhardt USA LLC (collectively, “Wockhardt”), hereby enter into the record the following Stipulated Facts and issues the following Order of Dismissal:

### **STIPULATED FACTS**

1. This Court has subject matter jurisdiction over these patent infringement actions (the “Actions”). This Court has personal jurisdiction over Jazz and Wockhardt, and venue is proper in this Court.

2. In these Actions, Jazz has charged Wockhardt with infringement of certain claims of United States Patent Nos. 6,472,431, 6,780,889, 7,262,219, 7,851,506, 8,263,650, 8,324,275, 8,461,203, 7,668,730, 7,765,106, 7,765,107, 7,895,059, 8,457,988, 8,589,182, 8,731,963, 8,772,306, 8,859,619, 8,952,062, and 9,050,302 (“the Asserted Patents”) in connection with Wockhardt’s submission of Abbreviated New Drug Application (“ANDA”) No. 207526, directed to a generic 500 mg/mL sodium oxybate oral solution product for the treatment of cataplexy and excessive daytime sleepiness in narcolepsy (hereinafter, the “Generic Product”), to the U.S. Food and Drug Administration (“FDA”).

3. Wockhardt has not, at this time, rebutted the statutory presumption that the Asserted Patents are valid and enforceable in this Action.

4. Wockhardt admits that the submission of ANDA No. 207526 to the FDA for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use and/or sale of the Generic Product within the United States prior to the expiration of the Asserted Patents was a technical act of patent infringement with respect to one or more claims of each of the Asserted Patents.

## STIPULATED ORDER OF DISMISSAL

Accordingly, pursuant to the above Stipulated Facts, and upon the consent and request of Jazz and Wockhardt, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The filing of ANDA No. 207526 was a technical act of infringement of each of the Asserted Patents under 35 U.S.C. § 271(e)(2)(A).

2. Wockhardt admits that the commercial manufacture, use, selling, offering for sale, or importing of the Generic Product would infringe each of the Asserted Patents.

3. All claims, defenses, and counterclaims in this Action are hereby dismissed, without prejudice.<sup>1</sup>

4. Wockhardt, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering to sell or selling within the United States, or importing into the United States, the Generic Product during the life of the Asserted Patents, including any extensions and pediatric exclusivities, except only as expressly permitted by the License Agreement entered into between Jazz and Wockhardt on April 18, 2016, unless all of the asserted claims of the Asserted Patents are found invalid, unpatentable or unenforceable by a court or patent office decision from which no appeal has been or can be taken, other than a petition for a writ of certiorari to the U.S. Supreme Court, and any marketing of the Generic Product, except as allowed in this paragraph, would cause irreparable harm to Jazz.

---

<sup>1</sup> The dismissal of the parties' claims, defenses, and counterclaims in Civil Action No. 13-391 with respect to Wockhardt shall not result in the dismissal of claims, defenses, and counterclaims in that Action with respect to Amneal Pharmaceuticals LLC, Par Pharmaceutical, Inc., Sun Pharmaceutical Industries, Ltd., Ohm Laboratories Inc., Ranbaxy, Inc., Watson Laboratories, Inc., Lupin Ltd., Lupin Pharmaceuticals, Inc., and Lupin Inc.

5. This Court retains jurisdiction over Jazz and Wockhardt for purposes of enforcing this Stipulation And Order Of Dismissal.

6. The Clerk of the Court is directed to enter this final judgment forthwith.

Dated: April 22, 2016

Respectfully submitted,

By: s/ Charles M. Lizza

Charles M. Lizza  
William C. Baton  
SAUL EWING LLP  
One Riverfront Plaza, Suite 1520  
Newark, New Jersey 07102-5426  
(973) 286-6700  
clizza@saul.com

*Of Counsel:*

F. Dominic Cerrito  
Eric C. Stops  
Gabriel P. Brier  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
(212) 849-7000

Richard G. Greco  
RICHARD G. GRECO PC  
90 State Street, Suite 700  
Albany, New York 12207  
(212) 203-7625

*Attorneys for Plaintiffs  
Jazz Pharmaceuticals, Inc.  
And Jazz Pharmaceuticals Ireland Limited*

Respectfully submitted,

By: s/ Sheila Raftery Wiggins

Sheila Raftery Wiggins  
DUANE MORRIS LLP  
One Riverfront Plaza  
1037 Raymond Blvd., Suite 1800  
Newark, NJ 07102-5429  
Telephone: (973) 424-2000  
Fax: (973) 424-2001  
srwiggins@duanemorris.com

*Of Counsel:*

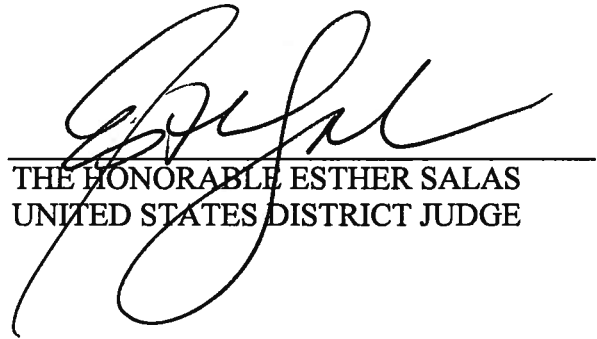
Frederick R. Ball  
DUANE MORRIS LLP  
100 High Street, Suite 2400  
Boston, MA 02110-1724

Patrick C. Gallagher  
DUANE MORRIS LLP  
190 South LaSalle Street, Suite 3700  
Chicago, IL 60603-3433

*Attorneys for Defendant-Counterclaimants  
Wockhardt Bio AG, Wockhardt USA LLC,  
and Wockhardt Ltd.*

**SO ORDERED:**

This 25<sup>th</sup> day of April, 2016



---

THE HONORABLE ESTHER SALAS  
UNITED STATES DISTRICT JUDGE