

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

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EISAI CO. LTD. and EISAI INC.)
)
Plaintiffs,)
v.)
)
TEVA PHARMACEUTICALS USA, INC. and)
TEVA PHARMACEUTICAL INDUSTRIES, LTD.)
)
Defendants.)
<hr/>)
EISAI CO. LTD. and EISAI INC.)
)
Plaintiffs,)
v.)
)
TEVA PHARMACEUTICALS USA, INC., TEVA)
PHARMACEUTICAL INDUSTRIES, LTD. and)
GATE PHARMACEUTICALS (a division of Teva)
Pharmaceuticals USA, Inc.),)
)
Defendants.)
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CONSOLIDATED
Civil Action No. 05-5727
(GEB)(ES) (Lead)

Civil Action No. 07-5489
(GEB)(ES)

STIPULATION AND ORDER OF STAY AND DISMISSAL

Plaintiffs Eisai Co. Ltd. and Eisai Inc. (collectively “Eisai”) and Defendants Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., and GATE Pharmaceuticals (a division of Teva Pharmaceuticals USA, Inc.) (collectively “Teva”) stipulate and agree as follows:

1. Subject to paragraph 2, the parties shall take no further action in these consolidated civil actions, and these consolidated civil actions, including all pending motions, shall be STAYED through and including November 25, 2010.

2. For clarity, the March 28, 2008 Order granting Eisai's motion for a preliminary injunction shall remain in full force and effect until and including the date of expiration of U.S. Patent No. 4,895,841 on November 25, 2010, and this injunction remains subject to the provisions of 35 U.S.C. § 271(e)(1) to the extent that § 271(e)(1) may otherwise apply. Both parties reserve the right to file a motion to seek relief regarding whether particular activity does or should violate the injunction.

3. These consolidated civil actions shall be DISMISSED as MOOT as of November 26, 2010.

4. The parties shall bear their own costs and fees, including attorneys' fees.

IT IS HEREBY STIPULATED this 19th day of July 2010.

MCCARTER & ENGLISH, LLP

LITE DEPALMA GREENBERG, LLC

s/William J. Heller

s/Allyn Z Lite

William J. Heller
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
wheller@mccarter.com

Allyn Z. Lite
Michael E. Patunas
Mayra V. Tarantino
Two Gateway Center, 12th Floor
Newark, New Jersey 07102-5003
(973) 623-3000
alite@litedepalma.com
mpatunas@litedepalma.com
mtarantino@litedepalma.com

**PAUL, HASTINGS, JANOFSKY
& WALKER LLP**

Bruce M. Wexler
Joseph M. O'Malley, Jr.

GOODWIN PROCTER LLP

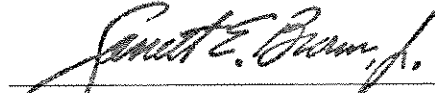
Anthony Michael
75 East 55th Street
New York, New York 10022
(212) 318-6000

*Attorneys for Plaintiffs Eisai Co.
Ltd. and Eisai Inc.*

Francis C. Lynch
John T. Bennett
Charles H. Sanders
Exchange Place
Boston, MA 02109
(617) 570-1000
flynch@goodwinprocter.com
jbennett@goodwinprocter.com
csanders@goodwinprocter.com

*Attorneys for Defendants Teva
Pharmaceuticals USA, Inc., Teva
Pharmaceutical Industries Ltd. and GATE
Pharmaceuticals*

IT IS SO ORDERED this 19th day of July 2010.



Garrett E. Brown, Jr., Chief Judge
United States District Court

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