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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER SCHERING PHARMA AG and)
 BAYER HEALTHCARE)
 PHARMACEUTICALS, INC.,)
)
 Plaintiffs,)
)
 v.)
)
 TEVA PHARMACEUTICALS USA, INC.,)
)
 Defendant.)

NOV - 9 2011

C.A. No. 09-480 (GMS)
CONSOLIDATED

CONSENT JUDGMENT AND ORDER

Plaintiffs Bayer Pharma AG (formerly known as Bayer Schering Pharma AG) and Bayer HealthCare Pharmaceuticals, Inc. (collectively “Bayer”) and Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) having agreed to terms and conditions representing a negotiated settlement of this action, having set forth those terms and conditions in a Settlement Agreement, and having consented to the entry of this Judgment, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Claims 1-5, 7, and 8 of U.S. Patent No. 6,362,178 (the “’178 patent”) and claims 1-6 of U.S. Patent No. 7,696,206 (the “’206 patent”) are valid.
3. The ’178 patent and the ’206 patent are enforceable.
4. The vardenafil hydrochloride tablets that are described in, and the subject of, Teva’s Abbreviated New Drug Application (“ANDA”) No. 91-347 (also referred to as

ANDA No. 091347) and/or the use thereof infringe claims 1-5, 7, and 8 of the '178 patent and claims 1-6 of the '206 patent.

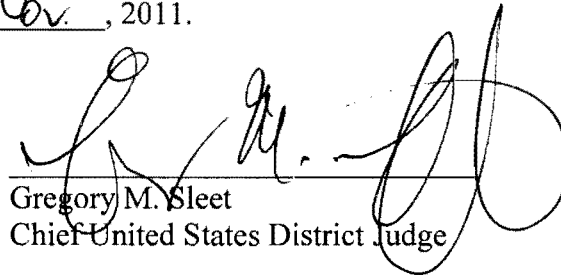
5. Teva and its Affiliates (as defined in the Settlement Agreement) shall not make, offer for sale, or sell the products that are described in ANDA No. 91-347 prior to the date set forth in the Settlement Agreement, and then only as set forth in the Settlement Agreement.

6. Each of the parties shall bear its own costs and attorneys' fees.

7. Judgment is hereby entered in favor of Bayer and against Teva on Bayer's claims of infringement of the '178 patent and '206 patent.

8. The parties waive any right to appeal from this Judgment.

SO ORDERED, this 17th day of Nov., 2011.



Gregory M. Sleet
Chief United States District Judge

JOINTLY SUBMITTED BY

MORRIS, NICHOLS, ARSHT & TUNNELL LLP PHILLIPS, GOLDMAN & SPENCE, P.A.

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/s/ John C. Phillips, Jr.

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