

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

PFIZER INC., )  
PFIZER IRELAND PHARMACEUTICALS, )  
WARNER-LAMBERT COMPANY, and )  
WARNER-LAMBERT COMPANY LLC, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
AUROBINDO PHARMA LIMITED, and )  
AUROBINDO PHARMA USA INC., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 11-569-LPS

**JOINT MOTION TO DISMISS**

WHEREAS, plaintiffs Pfizer Inc., Pfizer Ireland Pharmaceuticals, Warner-Lambert Company, and Warner-Lambert Company, LLC (collectively, “Pfizer”) and defendants Aurobindo Pharma Limited and Aurobindo Pharma USA Inc. (collectively “Aurobindo”) are parties to a litigation relating to U.S. Patent No. 5,969,156 and its Re-examination Certificate (“the Action”);

WHEREAS, Pfizer and Aurobindo have entered into an Agreement, dated as of November 2, 2011 (the “Agreement”), pursuant to which the parties have resolved this action;

WHEREAS, Aurobindo Pharma Limited consents to the jurisdiction of the Court solely for the purpose of resolving this Litigation and does not otherwise admit that such jurisdiction is proper;

NOW THEREFORE, Pfizer and Aurobindo jointly move this Court pursuant to Fed. R. Civ. P. 41(a)(2) to enter the attached order providing that:

- (1) All claims and counterclaims in this Action are dismissed without prejudice, each Party to bear its own costs, expenses, and attorneys' fees in connection with this Action;
- (2) This dismissal shall not act as an adjudication on the merits;
- (3) If a Protective Order was entered by the Court in this Action, it shall remain in full force and effect notwithstanding the dismissal by the Court of this Action;
- (4) The Parties expressly waive any right of appeal from this Order; and
- (5) The Court reserves jurisdiction over this Order in the event of any dispute concerning it.

Dated: November 7, 2011

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/s/ Rudolf E. Hutz

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