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Sepracor Inc.*

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

<p>SEPRACOR INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>TEVA PHARMACEUTICALS USA, INC., <i>et al.,</i></p> <p>Defendants.</p>	<p>Civil Action No. 09-1302 (DMC)(MF)</p> <p>Hon. Dennis M. Cavanaugh, U.S.D.J. Hon. Mark Falk, U.S.M.J.</p> <p>(Filed Electronically)</p>
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**STIPULATION OF DISMISSAL
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**

WHEREAS, Plaintiff, Sepracor, Inc. ("Sepracor") has asserted in good faith claims of infringement of U.S. Patent Nos. 6,319,926, 6,444,673, 6,864,257, and 7,381,724 (collectively, the "Sepracor Patents") against Defendants Cobalt Pharmaceuticals and Cobalt Laboratories Inc. (collectively, "Cobalt") under 35 U.S.C. § 271(e)(2) based upon Cobalt's filing of ANDA No. 91-150 (hereinafter, "Sepracor's infringement claims against Cobalt");

WHEREAS, the parties agree that each of their claims, counterclaims, and defenses in the above-captioned action related to Sepracor's infringement claims against Cobalt are now moot;

WHEREAS, the parties agree that subject-matter jurisdiction no longer exists with respect to each parties' claims, counterclaims, and defenses in the above-captioned action related to Sepracor's infringement claims against Cobalt;

WHEREAS, the Court has not decided any of Sepracor's claims or any of Cobalt's counterclaims or defenses;

WHEREAS, Sepracor's claims, counterclaims, and defenses concerning the remaining defendants in the above-captioned action are not withdrawn and remain in the litigation;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their undersigned counsel, that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Sepracor's claims, counterclaims, and defenses related to Sepracor's infringement claims against Cobalt are dismissed without prejudice, and Cobalt's claims, counterclaims, and defenses related to Sepracor's infringement claims against Cobalt are dismissed without prejudice because all of the claims, counterclaims, and defenses are now moot.

Each party shall bear its respective fees and costs.

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Dated: October 6, 2010

By: _____

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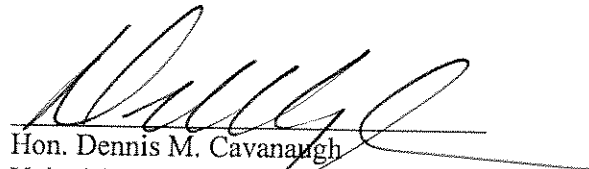
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SO ORDERED:

Dated: _____

10/12/10


Hon. Dennis M. Cavanaugh
United States District Judge