IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEDICIS PHARMACEUTICAL CORPORATION, Plaintiff, v. RANBAXY INC.; and RANBAXY LABORATORIES LTD. ET AL. Defendants.	C.A. No. 09-033 (JJF)(LPS) C.A. No. 09-435 (JJF) (Consolidated)
MEDICIS PHARMACEUTICAL CORPORATION, Plaintiff, v. RANBAXY INC.; and RANBAXY LABORATORIES LTD. Defendants.	C.A. No. 10-120 (JJF)(MPT)

CONSENT JUDGMENT AND PERMANENT INJUNCTION AS TO RANBAXY

This matter is before the Court on the unopposed motion of Plaintiff Medicis Pharmaceutical Corporation ("Medicis") and Defendants Ranbaxy Inc. and Ranbaxy Laboratories Ltd. (collectively referred to herein as "Ranbaxy").

WHEREAS, this Consent Judgment and Permanent Injunction as to Ranbaxy concerns only Medicis's claims against Ranbaxy and Ranbaxy's counterclaims against Medicis

in C.A. No. 09-435 (JJF) (which has been consolidated with C.A. No. 09-033 (JJF)), and C.A. No. 10-120 (JJF) (collectively referred to herein as the "Litigations").

WHEREAS, Medicis requests that this Consent Judgment and Permanent Injunction as to Ranbaxy be entered in the above-captioned cases, and Ranbaxy does not oppose Medicis's request.

WHEREAS, Medicis owns United States Patent No. 5,908,838 ("the '838 patent").

WHEREAS, Ranbaxy submitted Abbreviated New Drug Application No. 91-118 ("Ranbaxy ANDA") to the FDA under 21 U.S.C. § 355(j) seeking to obtain approval to commercially manufacture and sell generic minocycline HCl extended release tablets in its 135 milligram ("mg") strength for the treatment of acne.

WHEREAS, Ranbaxy submitted a supplement or amendment to the Ranbaxy ANDA ("Ranbaxy ANDA Supplement/Amendment") to the FDA under 21 U.S.C. § 355(j) seeking to obtain approval to commercially manufacture and sell generic minocycline HCl extended release tablets in its 45 mg and 90 mg strengths for the treatment of acne.

WHEREAS, in these Litigations, Medicis alleged that Ranbaxy infringed one or more of claims 3, 4, 12, and 13 of the '838 patent under 35 U.S.C. § 271(e)(2) by virtue of Ranbaxy's submission of the Ranbaxy ANDA and the Ranbaxy ANDA Supplement/Amendment to the FDA.

WHEREAS, in these Litigations, Medicis alleged that it would be irreparably harmed if Ranbaxy is not enjoined from infringing or actively inducing or contributing to infringement of one or more of claims 3, 4, 12, and 13 of the '838 patent.

WHEREAS, in these Litigations, Medicis requested that this Court enter a permanent injunction enjoining Ranbaxy from infringing the '838 patent.

WHEREAS, Medicis and Ranbaxy have reached an agreement to finally settle these Litigations as set forth in this Consent Judgment and Permanent Injunction as to Ranbaxy and a separate confidential License and Settlement Agreement ("Settlement Agreement") which is contemporaneously and separately being executed.

WHEREAS, final settlement of these Litigations will help Medicis and Ranbaxy avoid the substantial uncertainty and risks involved with prolonged litigations.

WHEREAS, final settlement of these Litigations will permit Medicis and Ranbaxy to save litigation costs, as well as adhere to the judicially recognized mandate that encourages the settlement of litigation whenever possible.

WHEREAS, final settlement of these Litigations serves the public interest by saving judicial resources and avoiding the risks to each of Medicis and Ranbaxy associated with infringement.

WHEREAS, Medicis and Ranbaxy each consent to personal jurisdiction in Delaware for purposes of enforcing the Settlement Agreement.

IT IS HEREBY ORDERED, DECREED, and ADJUDGED as follows:

1. The Court has jurisdiction over Medicis and Ranbaxy and the subject matter of these Litigations.

2. Ranbaxy acknowledges Medicis's ownership and standing to sue for infringement of United States Patent No. 5,908,838 ("the '838 patent").

3. Ranbaxy acknowledges that the '838 patent is valid and enforceable, as described more fully in the Settlement Agreement.

4. Ranbaxy acknowledges that the making, using, offering to sell, selling importation and/or distribution of the products that are described in the Ranbaxy ANDA and the Ranbaxy ANDA Supplement/Amendment are covered by one or more claims of the '838 patent under 35 U.S.C. § 271 and that Medicis did not authorize the manufacture, use, sale, offer for sale, importation and distribution of the product described in the Ranbaxy ANDA and the Ranbaxy ANDA Supplement/Amendment.

5. As described more fully in the Settlement Agreement, Ranbaxy and its affiliates are permanently enjoined as of the date hereof from infringing the '838 patent by the manufacture, use, offer to sell, sale, importation, or distribution of any current products, or future products having the same strength and dosage form of the current Solodyn® products, that are the subject of the Ranbaxy ANDA and the Ranbaxy ANDA Supplement/Amendment that is not pursuant to a license granted by Medicis, and from inducing others to infringe the '838 patent by inducing others to manufacture, use, offer to sell, sale, import, or distribute any current products, or future products having the same strength and dosage form of the current Solodyn® products, that are the subject of the Ranbaxy ANDA and the Ranbaxy ANDA Supplement/Amendment that is not pursuant to a license granted by Medicis.

6. Medicis acknowledges that Ranbaxy will maintain its paragraph IV certification pursuant to 21 C.F.R. § 314.94(a)(12)(v), as described more fully in the Settlement Agreement.

7. All claims and counterclaims in these Litigations are hereby dismissed without prejudice.

8. Except as provided in the Settlement Agreement, each side shall bear its own costs.

9. This Court shall retain jurisdiction over Ranbaxy and Medicis for the purpose of enforcing the terms of this Consent Judgment and Permanent Injunction and over any matters related to or arising from the interpretation or enforcement of the Settlement Agreement or any legal or equitable claim concerning the Settlement Agreement.

IT IS SO ORDERED, DECREED AND ADJUDGED this 5 day of May, 2010 by:

The Honorable Joseph J. Farnan Jr.
United States District Judge
Agreed to:

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