

*Carolephe, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>12/16/10</u>
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NOVO NORDISK INC. and  
NOVO NORDISK A/S,

Plaintiffs,

v.

SANDOZ INC.,

Defendant.

No. 09 Civ. 9217 (PGG)

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING INFRINGEMENT**

WHEREAS, Plaintiffs Novo Nordisk Inc. and Novo Nordisk A/S (collectively "Novo Nordisk") have brought the above-captioned action against Defendant Sandoz Inc. ("Sandoz") for infringement of United States Patent No. 6,677,358 (the "'358 patent") based on Sandoz's submission to the Food and Drug Administration of Abbreviated New Drug Application ("ANDA") No. 91-470;

WHEREAS, the parties have agreed to streamline and expedite resolution of the disputed issues and conserve the resources of the parties and the Court;

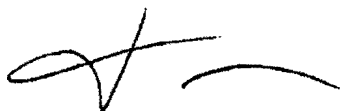
**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the parties, that:

1. Sandoz stipulates that its submission of ANDA No. 91-470 infringes claims 1, 2 and 4 of the '358 patent. Sandoz further stipulates that any commercial use, manufacture, sale, or offer to sell any products approved pursuant to ANDA No. 91-470 infringes claims 1 and 2 of the '358 patent.

2. Novo Nordisk stipulates that it is not pursuing claims for infringement of claims 3 and 5 of the '358 patent at this time, but reserves the right to do so in the event of material

amendments by Sandoz to ANDA No. 91-470. Sandoz reserves all rights to challenge infringement of claims 3 and 5 of the '358 patent should those claims be later asserted by Novo Nordisk.

GIBSON, DUNN & CRUTCHER LLP



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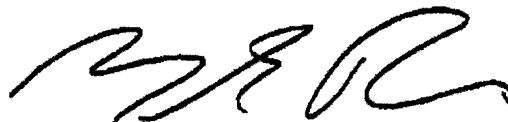
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Attorneys for Defendant Sandoz Inc.

**SO ORDERED:**



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Honorable Paul G. Gardephe  
United States District Judge

