IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: ARMODAFINIL PATENT LITIGATION	M.D.L. Docket No.: 1:10-md-2200-GMS
CEPHALON, INC. and CEPHALON FRANCE, Plaintiffs, v. TEVA PHARMACEUTICALS USA, INC. Defendant.	C.A. No. 09-918-GMS

STIPULATION AND ORDER DISMISSING ACTION

This stipulation is made by and between (i) Cephalon, Inc. and Cephalon France ("Cephalon") and (ii) Teva Pharmaceuticals USA, Inc. and Teva Pharmaceuticals Industries LTD. ("Teva").

WHEREAS, Cephalon asserted United States Patent Nos. RE37,516 ("RE'516"), 7,297,346 ("'346"), and 7,132,570 ("'570") in its Complaint against Teva (D.I. 1, C.A. No. 09-918-GMS);

WHEREAS, Cephalon dismissed all claims with prejudice with respect to the RE'516 and '346 patents on May 5, 2010 (D.I. 37, C.A. No. 09-918-GMS);

WHEREAS, Teva revised its certification with respect to the '570 patent to Paragraph III pursuant to the Hatch-Waxman Act, 21 U.S.C. § 355(j)(2)(A)(vii)(III) on April 28, 2011;

IT IS STIPULATED by the parties through their counsel that

1. Pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(ii), all remaining claims between Cephalon and Teva in C.A. No. 09-918-GMS are hereby dismissed without prejudice.

2. This Stipulation and Order do not act as an adjudication on the merits of any issue, claim, counterclaim, or defense raised in this action or any of the consolidated actions.

3. Teva agrees to cooperate in good faith to provide reasonable discovery as specified in Exhibit A hereto for use in the Litigation or any action related thereto.

4. Any protective orders entered by the Court shall remain in full force and effect notwithstanding the dismissal of this action.

5. The parties waive any right to appeal from this Order.

6. Each party shall bear its own costs and fees.

AGREED TO:

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TEVA PHARMACEUTICALS USA, INC.

SO ORDERED:

Dated: May 11, 2011

Honorable Gregory M. Sleet U.S.D.J.

EXHIBIT A
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Teva agrees to cooperate in good faith to provide for use in the Litigation, or any action related thereto, reasonable discovery sufficient to show the following:

1. The identity and properties of all armodafinil solid forms prepared or studied by or for Teva, including, but not limited to, the polymorphic and solvate forms disclosed in any Cephalon or Teva U.S. or foreign patent or patent application, and the reasons why any research or development by or on behalf of Teva related thereto is or is not ongoing.

2. The reasons underlying, and bases for, Teva's decision to use the Form I polymorph of armodafinil ("Form I") in its proposed generic armodafinil products under ANDA 200-152, including any analyses conducted by or for Teva relating to the stability or other properties of Form I or comparing Form I with other armodafinil solid forms.

3. Any disadvantages of the armodafinil synthesis or crystallization procedures disclosed in U.S. Patent No. 4,927,855 known to Teva, and the bases therefor, including, but not

limited to, the basis for Teva's statements in Patent Application Publication No. 2008/0031939 at ¶¶ 8, 10, 14, 36, and alternative methods for making armodafinil developed by or for Teva and the reasons underlying, and bases for, Teva's development of the alternative method(s).

4. The identity and crystal structure measurement of all armodafinil polymorphs obtained by or for Teva when using ethanol (regardless of concentration or grade or purity) as a crystallization solvent.