

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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SCHERING CORPORATION	:	
and MSP SINGAPORE COMPANY LLC,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 07-1334 (JLL/ES)
	:	
GLENMARK PHARMACEUTICALS INC., USA	:	
and GLENMARK PHARMACEUTICALS LTD.	:	
	:	
Defendants.	:	
-----X	:	

CONSENT JUDGMENT

Schering Corporation (hereinafter "Schering") and MSP Singapore Company LLC (hereinafter "MSP") and Glenmark Pharmaceuticals Inc., USA and Glenmark Pharmaceuticals Ltd. (hereinafter collectively "Glenmark"), have agreed to terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Settlement Agreement (the "Settlement Agreement"). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this 10th day of May, 2010

ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties.
2. As used in this Consent Judgment, (i) the term "Glenmark Product" shall mean a drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 78-560, and (ii) the term "Affiliate" shall mean any entity or person that,

directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Glenmark; for purposes of this definition, "control" (a) means ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. To the extent that the Complaint seeks a judgment declaring that the '721 Patent has been infringed pursuant to 35 U.S.C. § 271(e)(2), the Complaint is dismissed without prejudice.

4. Except as specifically authorized pursuant to the Settlement Agreement, Glenmark, including any of its successors and assigns, is enjoined until December 12, 2016, from making, having made, using, selling, offering to sell, importing or distributing the Glenmark Product, on its own part or through any Affiliate or third party.

5. Except as the Parties have provided in their Settlement Agreement and as set forth in this Consent Judgment, by virtue of this Consent Judgment all other claims and demands for relief prayed for by Schering and MSP against Glenmark in this action are deemed to be satisfied.


6. Except as the Parties have provided in the Settlement Agreement and as set forth in this Consent Judgment, by virtue of this Consent Judgment all other claims and demands for relief prayed for by Glenmark in this action are deemed to be satisfied.

7. Glenmark has agreed that, in the event of breach or violation by Glenmark of the terms of this Consent Judgment, jurisdiction and venue for an action for a preliminary injunction against the breaching conduct exists in this District Court, and Glenmark hereby waives any and all defenses based on personal jurisdiction and venue.

8. Compliance with this Consent Judgment may be enforced by Schering, and MSP and their successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

9. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

10. The above action, including any counterclaims or affirmative defenses, is dismissed with prejudice and without costs, disbursements or attorneys' fees to any party.




José L. Linares
United States District Judge

We hereby consent to the form and entry of this Order



*Attorneys for Schering Corporation and MSP
Singapore Company LLC*



*Attorneys for Glenmark Pharmaceuticals Inc.,
USA and Glenmark Pharmaceuticals Ltd.*
DSKT