

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

CELGENE CORPORATION,

Plaintiff,

v.

**PAR PHARMACEUTICAL, INC., PAR
PHARMACEUTICAL COMPANIES, INC.,
TEVA PHARMACEUTICALS USA, INC.,
and TEVA PHARMACEUTICAL
INDUSTRIES LIMITED,**

Defendants.

Civil Action No. 17-3159 (ES)(JAD)

(Filed Electronically)

STIPULATION DISMISSING TEVA PHARMACEUTICAL INDUSTRIES LTD.

Plaintiff Celgene Corporation (“Celgene”) and Defendants Teva Pharmaceuticals USA, Inc. (“Teva USA”) and Teva Pharmaceutical Industries Limited (“Teva Ltd.”) hereby stipulate, subject to approval of the Court, to dismiss the Complaint filed by Plaintiff against Teva Ltd. in the above-captioned action (“Action,” defined to include this action, any action that may result from case consolidation, or any lead case with which this action is associated). The Action will continue against Teva USA. It is further stipulated that this dismissal is without prejudice and is subject to the following conditions:

3. Teva Ltd. and Teva USA stipulate that Teva Ltd.'s documents, witnesses, and information are in Teva USA's custody or control for purposes of discovery or requests for admission in this lawsuit, subject to Paragraph 4. To be clear, Teva Ltd. agrees that it will search for and provide discovery in response to discovery requests served on Teva USA in the Action as if the discovery were Teva USA's own.

4. If the parties agree that a Teva Ltd. employee is a necessary fact witness, the witness will be made available for deposition (at or near the witness's work location) upon notice to Teva USA. Accordingly, there will be no need for (a) service of subpoenas; or (b) for witnesses located outside the United States, adherence to the procedures of the Hague Convention or other methods of foreign service. If the parties disagree as to whether the Teva Ltd. employee is a necessary fact witness, then the parties shall present the matter to the Court for resolution. In the event that the Court orders that the deposition of the Teva Ltd. employee shall be taken, then the Teva Ltd. employee will be made available for deposition (at or near the witness's work location) pursuant to the Court's Order, without requiring Plaintiffs to adhere to the procedures of the Hague Convention. Teva USA will also accept Fed. R. Civ. P. 30(b)(6) deposition notices containing topics directed to information that may be held by Teva Ltd., and any witness presented in response thereto shall investigate information in the possession, custody, or control of Teva Ltd. as necessary. Teva Ltd. further agrees to be bound by the resolution of discovery matters in this Action.

it will not contest venue in the District of New Jersey in the Action and, as such, will not move to transfer the venue of the Action. Teva USA further agrees that it will not assert any defense under Federal Rule of Civil Procedure 19 or otherwise assert that Teva Ltd. is a necessary party.

6. Teva Ltd. submits and consents to the personal jurisdiction of the District of New Jersey solely for purposes of enforcing this Stipulation and Order and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements.

7. The terms of this Stipulation and Order are without prejudice to any claims, defenses, or counterclaims that may be asserted in the Action, except with respect to the issues of personal jurisdiction, venue, and/or necessary parties addressed in Paragraphs 5 and 6 herein.

8. The case caption should be amended to read as follows: “Celgene Corporation v. Par Pharmaceutical, Inc., Par Pharmaceutical Companies, Inc., and Teva Pharmaceuticals USA, Inc., Civil Action No. 17-3159 (ES)(JAD),” as follows:

CELGENE CORPORATION,

Plaintiff,

v.

**PAR PHARMACEUTICAL, INC., PAR
PHARMACEUTICAL COMPANIES, INC.,
and TEVA PHARMACEUTICALS USA,
INC.,**

Defendants.

Civil Action No. 17-3159 (ES)(JAD)

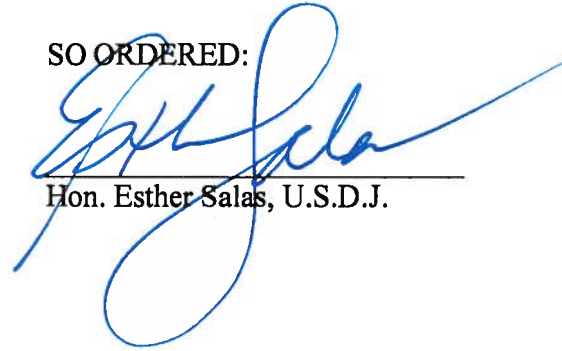
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Teva Pharmaceutical Industries Ltd.*

SO ORDERED:



Hon. Esther Salas, U.S.D.J.