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FILED
CLERK, U.S. DISTRICT COURT
NOV - 3 2008
CENTRAL DISTRICT OF CALIFORNIA
BY *SDM* DEPUTY

LODGED
OCT 31 2008
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY *[Signature]* DEPUTY

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

WYETH, a Delaware Corporation,
Plaintiff,
v.
ANCHEN PHARMACEUTICALS,
INC., a California Corporation,
Defendant.

Case No. SA CV 06-386 JVS (ANx)
consolidated with
Case No. SA CV 06-1098 JVS (ANx)

**ORDER ENTERING CONSENT
JUDGMENT**

Honorable James V. Selna

Having considered the parties' Joint Stipulation to Enter Consent Judgment, the parties' Settlement and Release Agreement dated September 26, 2008, and the other Definitive Agreements (as defined in the Settlement and Release Agreement), all of which have been filed under seal with the Joint Stipulation, and good cause appearing therefor, it is ORDERED that:

1 1) Until the expiration of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and
2 6,419,958 B2, Anchen shall not, and shall cause its affiliates to not, make, use, sell,
3 offer for sale, or import the extended-release venlafaxine hydrochloride capsules that
4 are the subject of ANDA 78-087, except as and to the extent permitted under the
5 License Agreement;

6 2) Anchen, on behalf of itself and its affiliates, stipulates to the validity and
7 enforceability of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2;

8 3) Anchen, on behalf of itself and its affiliates, stipulates to the infringement of
9 U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2 through the making,
10 using, selling, offering for sale and/or importing of the extended-release venlafaxine
11 hydrochloride capsules that are the subject of ANDA 78-087, except as and to the
12 extent permitted under the License Agreement;

13 4) Anchen's Counterclaims of patent invalidity, unenforceability, and non-
14 infringement are dismissed with prejudice;

15 5) The Settlement and Release Agreement and the License Agreement entered
16 into between the parties, which have been filed with this Court under seal, are adopted
17 by the Court as part of this Consent Judgment;

18 6) Each party shall bear its own costs;

19 7) Wyeth has complied with the terms of the Decision and Order of the Federal
20 Trade Commission, Docket No. 9297 (issued April 2, 2002);

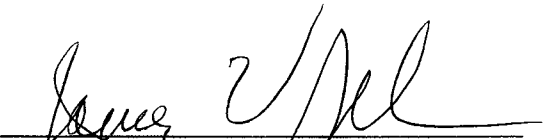
21 8) Wyeth and Anchen shall abide by the terms of the Settlement and Release
22 Agreement, dated September 26, 2008, and the other Definitive Agreements; and
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9) This Court retains jurisdiction to enforce this Consent Judgment, the parties' Settlement and Release Agreement and the other Definitive Agreements.

IT IS SO ORDERED.

Dated: 11. 3. 68


Hon. James V. Selna