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AMGEN INC.

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*Attorneys for Plaintiffs Amgen Inc.
and Amgen Manufacturing Limited*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMGEN INC. and
AMGEN MANUFACTURING LIMITED,

Plaintiffs,

vs.

SANDOZ INC., SANDOZ
INTERNATIONAL GMBH, and
SANDOZ GMBH, LEK
PHARMACEUTICALS, D.D.

Defendants.

KIRKLAND & ELLIS LLP

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Attorneys for Defendants Sandoz Inc.

Case No. 3:16-CV-02581-RS

**JOINT STIPULATION OF DISMISSAL
OF ALL CLAIMS AND
COUNTERCLAIMS RELATED TO U.S.
PATENT NO. 5,824,784, AND
~~PROPOSED~~ ORDER**

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Amgen Inc. and Amgen Manufacturing
2 Limited (collectively, “Amgen”) and Defendant Sandoz Inc., by and through their counsel,
3 jointly stipulate to the dismissal, without prejudice, of all claims and counterclaims related to
4 U.S. Patent No. 5,824,784 (“the ’784 Patent”) on the terms set forth herein:

- 5 1. Amgen’s cause of action directed solely to the ’784 Patent, specifically the Third
6 Cause of Action of its Complaint filed May 12, 2016 [Dkt. No. 1], is hereby
dismissed without prejudice.
- 7 2. Sandoz Inc.’s counterclaims directed solely to the ’784 Patent, specifically the
8 Third Counterclaim and the Fourth Counterclaim of Sandoz Inc.’s Answer and
9 Affirmative Defenses and Counterclaims filed June 23, 2016 [Dkt. No. 18], are
hereby dismissed without prejudice.
- 10 3. The parties agree that neither party is a prevailing party with respect to the ’784
11 Patent, and accordingly no party shall be entitled to attorneys’ fees or costs with
12 respect to the ’784 Patent, either now or at any future point in the case. To avoid
13 any doubt, this stipulated dismissal of the ’784 Patent shall play no role in any
14 argument for or determination of attorneys’ fees and costs in this litigation.
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1 Dated: December 1, 2016
2 Respectfully submitted,

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4 By: /s/ Vernon M. Winters
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ECF ATTESTATION

I, Vernon M. Winters, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the above signatories.

Dated: December 1, 2016

SIDLEY AUSTIN LLP

By: /s/ Vernon M. Winters

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/7, 2016



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE