

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-CV-00197-PAB-CBS

SHIRE LLC,

Plaintiff,

v.

SANDOZ INC.,

Defendant.

JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Shire LLC against Sandoz Inc. ("Sandoz") for infringement of United States Patent Nos. 6,322,819 and 6,605,300 (the "819 Patent" and "300 Patent," respectively and collectively, the "Patents");

Sandoz acknowledges that all the claims in the Patents are valid and enforceable in all respects;

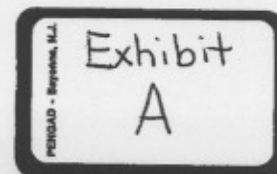
Sandoz and Shire have entered into a Settlement Agreement and a License Agreement, under which Shire will grant Sandoz a non-exclusive license to the Patents ("the License"), and

Sandoz acknowledges that, but for the License, its Abbreviated New Drug Application ("ANDA") No. 78-497 ("Sandoz's ANDA") infringes the Patents and that by selling, offering for sale, using and/or importing into the United States of a product under or described in Sandoz's ANDA ("Sandoz's Product") would infringe each of the Patents.

Shire and Sandoz now consent to this Judgment and Order and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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1. This Court has jurisdiction over the parties by consent and subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. The Patents are each owned by Shire and are each valid and enforceable in all respects.

3. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Sandoz in this action with respect to the validity or enforceability of any of the Patents, are dismissed with prejudice.

4. Sandoz is hereby enjoined and estopped during the term of the Patents from making any challenge to the validity or enforceability of any of the Patents.

5. But for the License, the sale, use or import of the Sandoz Product would infringe each of the Patents.

6. Nothing in this Judgment and Order shall affect the "paragraph IV certifications" to the Patents in Sandoz's ANDA, which paragraph IV certifications Sandoz shall be entitled to lawfully maintain pursuant to the License to the Patents as authorized under 21 C.F.R. § 314.94(a)(12)(v).

7. Sandoz is hereby also enjoined and estopped during the term of the Patents from making any challenge as to the infringement of the Sandoz Product of each of the Patents.

8. The foregoing injunctions against Sandoz shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue generally with respect to each of the Patents unless (i) earlier terminated or modified by further order of this Court, (ii) there is a final judgment from which no appeal can be or is taken is entered by a U.S. court of competent jurisdiction, that each of the Patents is unenforceable, or (iii) there is a final judgment from

which no appeal can be or is taken is entered by a U.S. court of competent jurisdiction, that a claim or claims of the Patents is invalid, but then only with respect to such invalid claim or claims.

9. This Judgment and Order is binding upon and constitutes claim preclusion and issue preclusion with respect to validity and enforceability of the Patents and infringement by the Sandoz Product between the parties in this action or in any other action between the parties.

10. The parties waive all right to appeal from this Judgment and Order.

11. Each party is to bear its own costs and attorneys' fees.

Dated: November 3, 2009

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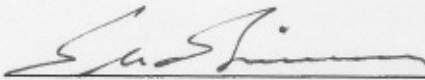
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SO ORDERED

Dated: Nov. 4, 2009



THE HON. PHILIP A. BRIMMER
UNITED STATES DISTRICT JUDGE