

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE MEDICINES COMPANY,

Plaintiff,

v.

TEVA PARENTERAL MEDICINES, INC.,
TEVA PHARMACEUTICALS USA, INC.
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.

Defendants.

C.A. No. 09-750 (ECR)
(Consolidated)

THE MEDICINES COMPANY,

Plaintiff,

v.

PLIVA HRVATSKA d.o.o.,
PLIVA d.d.,
BARR LABORATORIES, INC.,
BARR PHARMACEUTICALS, INC.,
BARR PHARMACEUTICALS, LLC,
TEVA PHARMACEUTICALS USA, INC.
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.

Defendants.

C.A. No. 09-751 (ECR)
(Consolidated)

THE MEDICINES COMPANY,

Plaintiff,

v.

TEVA PARENTERAL MEDICINES, INC.,
TEVA PHARMACEUTICALS USA, INC.
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD

Defendants.

C.A. No. 09-999 (ECR)
(Consolidated)

THE MEDICINES COMPANY,)
)
 Plaintiff,)
)
 v.)
)
 PLIVA HRVATSKA d.o.o.,)
 PLIVA d.d.,)
 BARR LABORATORIES, INC.,)
 BARR PHARMACEUTICALS, INC.,)
 BARR PHARMACEUTICALS, LLC,)
 TEVA PHARMACEUTICALS USA, INC.)
 and TEVA PHARMACEUTICAL)
 INDUSTRIES, LTD.)
)
 Defendants.)

C.A. No. 09-1000 (ECR)
 (Consolidated)

JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Plaintiff The Medicines Company (“MDCO”) against Defendants Teva Pharmaceutical Industries Limited, Teva Parenteral Medicines, Inc., Teva Pharmaceuticals USA, Inc., Pliva Hrvatska d.o.o., Pliva d.d., Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., and Barr Pharmaceuticals, LLC (collectively “Teva”) for infringement of United States Patent Nos. 7,582,727 and 7,598,343 (the “Litigated Patents”);

Teva and MDCO (the “Parties”) have entered into a Settlement Agreement, under which MDCO will grant Teva a license to the Litigated Patents (the “License”), pursuant to the terms and conditions in the Settlement Agreement and License;

Teva acknowledges that the Litigated Patents, and all the claims contained therein, are valid and enforceable; and

Teva acknowledges that selling, offering for sale, using and/or importing into the United States a lyophilized product containing bivalirudin under Abbreviated New Drug

Application Nos. 91-206 or 90-748 ("Teva's Product") would infringe each of the Litigated Patents in the absence of a license.

MDCO and Teva now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the Parties and subject matter of this action.
2. Teva would infringe each of the Litigated Patents by using, making, selling, offering to sell, and/or importing Teva's Product in the United States.
3. All affirmative defenses, claims and counterclaims which have been or could have been raised by Teva in this action with respect to the Litigated Patents are dismissed with prejudice.
4. Except as authorized and licensed by MDCO under the Settlement Agreement and License, Teva, its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with Teva, are permanently enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, Teva's Product and/or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, Teva's Product.
5. In any other or future cause of action or litigation in the United States, Teva shall not dispute that the Litigated Patents are each infringed by using, making, selling, offering to sell, and/or importing Teva's Product.
6. In any other or future cause of action or litigation in the United States, Teva shall not dispute that all the claims of the Litigated Patents are valid and enforceable in all respects.

7. The foregoing injunctions against Teva shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patents.¹

8. This Judgment and Order is binding upon and constitutes claim preclusion and issue preclusion between the Parties in this action or in any other action in the United States between the Parties with respect to: (i) the validity and enforceability of the Litigated Patents, and (ii) infringement of the Litigated Patents by using, making, selling, offering to sell, and/or importing Teva's Product.

9. The Parties waive all right to appeal from this Judgment and Order.

10. Each of the Parties is to bear its own costs and attorneys fees.

¹ This Court shall retain jurisdiction over the Parties for one year for enforcement of this Order, unless extended by order of the Court.

Dated: October 12, 2011

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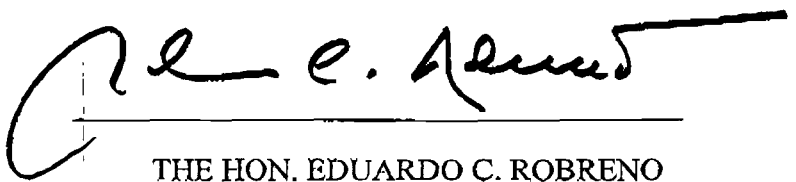
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SO ORDERED²

Dated: 10/12/11.



THE HON. EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

² This Order does not bind and shall not affect the claims or defenses the remaining parties have asserted or will assert in this litigation. Nor does this Order bind and affect any claims or defenses in any future litigation as to the Litigated Patents, except as set forth above with respect to the Parties bound by this Order.