

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCON PHARMACEUTICALS LTD. and)	
ALCON RESEARCH, LTD.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 11-587 (SLR)
)	(CONSOLIDATED)
LUPIN LTD. , <i>et al.</i> ,)	
)	
Defendants.)	

STIPULATION OF DISMISSAL

Plaintiffs Alcon Pharmaceuticals Ltd. and Alcon Research, Ltd. (collectively, “Alcon”) and Defendants Lupin Ltd. and Lupin Pharmaceuticals, Inc. (collectively, “Lupin”) have reached an agreement to settle the above-entitled action and, pursuant to Rules 41(a)(1) and 41(c) of the Federal Rules of Civil Procedure, hereby stipulate and agree that, subject to a forty-five (45) day regulatory review period, Alcon’s action against Lupin and Lupin’s action against Alcon, including all claims and affirmative defenses asserted by Alcon against Lupin or by Lupin against Alcon, are dismissed without prejudice. Either Alcon or Lupin may, in the event of adverse regulatory action during such forty-five (45) day period, move to reinstate the action between Alcon and Lupin within fifty (50) days of the filing of this Stipulation (or such additional period of time as mutually agreed upon by Alcon and Lupin) only on such terms as set forth in the settlement agreement reached between the parties. If no party moves to reinstate this action within fifty (50) days of the filing of this Stipulation (or such additional period of time), then the dismissals set forth herein shall be deemed to be with prejudice. All parties shall bear their own costs, disbursements and attorneys’ fees.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

PHILLIPS, GOLDMAN & SPENCE, P.A.

/s/ Jack B. Blumenfeld

/s/ Megan C. Haney

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pgslaw.com
mch@pgslaw.com

Attorneys for Plaintiffs Alcon Pharmaceuticals Ltd. and Alcon Research, Ltd.

Attorneys for Defendants Lupin Ltd. and Lupin Pharmaceuticals, Inc.

OF COUNSEL:

OF COUNSEL:

Bruce R. Genderson
Adam L. Perlman
David I. Berl
Scott K. Dasovich
Daniel P. Pierce
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
(202) 434-5000

Richard J. Basile
Benjamin J. Lehberger
Tatyana Voloshchuk
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
(203) 324-6155

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