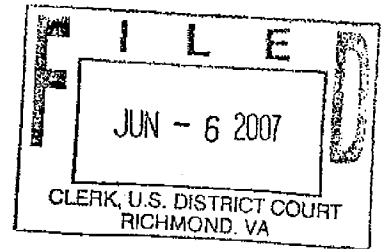


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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

2007 JUN -6 P 12:05



LUPIN LIMITED
CLERK US DISTRICT COURT
RICHMOND, VIRGINIA)

Plaintiff,)

v.)

Civil Action No. 3:06cv400)

ABBOTT LABORATORIES)
and ASTELLAS PHARMA, INC.,)

Defendants.)

ABBOTT LABORATORIES)
and ASTELLAS PHARMA, INC.,)

Counterclaim Plaintiffs,)

v.)

LUPIN LIMITED, LUPIN)
PHARMACEUTICALS, INC.,)

Counterclaim Defendants,)

STIPULATED ORDER OF DISMISSAL

WHEREAS, Defendants/Counterclaim Plaintiffs Astellas Pharma Inc. ("Astellas") and Abbott Laboratories ("Abbott") and Plaintiff/Counterclaim Defendant Lupin Ltd. and Counterclaim-Plaintiff/Counterclaim-Defendant Lupin Pharmaceuticals, Inc. (collectively, "Lupin") have entered into an Agreement effective as of today's date, June 6, 2007, the terms of which are hereby incorporated by reference herein;

WHEREAS, on May 21, 2007 this Court orally granted Lupin's motion for summary judgment on non-infringement on claims 2 through 5 of the U.S. Patent No. 4,935,507 ("the '507

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Patent”) and on claim 1 of the ‘507 Patent under the doctrine of equivalents, (“May 21, 2007 Order”);

NOW, THEREFORE, pursuant to their agreement, Astellas, Abbott and Lupin stipulate, subject to approval of the Court, that:

1. Count I (“Declaratory Judgment of Non-Infringement of the ‘507 Patent”) of Lupin’s First Amended Complaint against Astellas and Abbott and Count I (“Declaratory Judgment of Non-Infringement of the ‘507 Patent”) of Lupin Pharmaceuticals, Inc. Counterclaims/Third-Party Complaints Against Abbott and Astellas (collectively “Count I”), which seek a declaratory judgment of non-infringement of the claims of the ‘507 Patent, are dismissed without prejudice as to no literal infringement of claim 1 of the ‘507 Patent. Count I remains pending as to claims 2-5 of the ‘507 Patent and as to no infringement of claim 1 under the doctrine of equivalents of the ‘507 patent. Lupin and LPI may re-assert Count I as to no literal infringement of claim 1 of the ‘507 Patent in accordance with the parties’ Agreement in the event that the Final Judgment based on the Court’s May 21, 2007 Order on claims 2-5 or on claim 1 with regard to the doctrine of equivalents is not affirmed, and is remanded, on appeal.

2. Count II (“Declaratory Judgment of Invalidity of the ‘507 Patent”) of Lupin’s First Amended Complaint against Astellas and Abbott and Count II (“Declaratory Judgment of Invalidity of the ‘507 Patent”) of Lupin Pharmaceuticals, Inc. Counterclaims/Third-Party Complaints Against Abbott and Astellas (collectively “Count II”), which seek a declaratory judgment of invalidity of the claims of the ‘507 Patent, are dismissed without prejudice in their entirety. Lupin and LPI may re-assert Count II in accordance with the parties’ Agreement in the event that the Final Judgment based on the Court’s May 21, 2007 Order on claims 2-5 or on claim 1 with regard to the doctrine of equivalents is not affirmed, and is remanded, on appeal.

3. Count III (“Declaratory Judgment of Invalidity of PTE for the ‘507 Patent”) of Lupin’s First Amended Complaint against Astellas and Abbott and Count III (“Declaratory Judgment of Invalidity of PTE for the ‘507 Patent”) of Lupin Pharmaceuticals, Inc. Counterclaims/Third-Party Complaints Against Abbott and Astellas (collectively “Count III”), which seek a declaratory judgment of invalidity of the PTE for the ‘507 Patent, are dismissed without prejudice in their entirety. Lupin and LPI may re-assert Count III in accordance with the parties’ Agreement in the event that the Final Judgment based on the Court’s May 21, 2007 Order on claims 2-5 or on claim 1 with regard to the doctrine of equivalents is not affirmed, and is remanded, on appeal.

4. Count IV (“Declaratory Judgment of Unenforceability of the ‘507 Patent”) of Lupin’s First Amended Complaint against Astellas and Abbott, which seeks a declaratory judgment of unenforceability of the ‘507 Patent, is dismissed without prejudice in its entirety. Lupin may re-assert Count IV in accordance with the parties’ Agreement in the event that the Final Judgment based on the Court’s May 21, 2007 Order on claims 2-5 or on claim 1 with regard to the doctrine of equivalents is not affirmed, and is remanded, on appeal.

5. Astellas’ and Abbott’s counterclaims as to literal infringement of claim 1 of the ‘507 Patent are dismissed without prejudice. Astellas and Abbott may re-assert their counterclaims as to literal infringement of claim 1 in accordance with the parties’ Agreement in the event that the Final Judgment based on the Court’s May 21, 2007 Order on claims 2-5 and/or on claim 1 with regard to the doctrine of equivalents is not affirmed, and is remanded, on appeal.

6. The Court shall retain jurisdiction over the parties to adjudicate any disputes regarding the scope and content of the Agreement and/or this Stipulated Order of Dismissal, and to give full force and effect to the Agreement and/or this Stipulated Order of Dismissal.

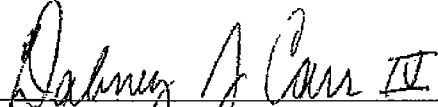
7. Each party shall bear its own attorney's fees, expenses and costs.



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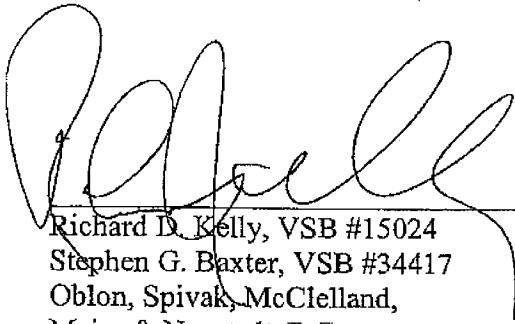


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