

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JANSSEN BIOTECH, INC. and
NEW YORK UNIVERSITY

Plaintiffs,

vs.

CELLTRION HEALTHCARE CO., LTD.,
CELLTRION, INC., and
HOSPIRA, INC.

Defendants.

Civil Action No. 1:15-cv-10698

STIPULATION OF VOLUNTARY DISMISSAL OF COUNT 2
PURSUANT TO FED. R. CIV. P. 41(a)(1)

WHEREAS, Defendant Celltrion, Inc. submitted an abbreviated Biologic License Application (“aBLA”) No. 125544 seeking permission to market a proposed biosimilar version of Plaintiff Janssen Biotech, Inc.’s (“Janssen”) biological medicine Remicade (infliximab);

WHEREAS, in count 2, Janssen sued Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc., and Hospira, Inc. (collectively, “Defendants”) for violation of the Biologics Price Competition and Innovation Act (“BPCIA”), specifically 42 U.S.C. § 262(l)(8)(A), alleging that Defendants are required to provide notice to Janssen “not later than 180 days before the date of the first commercial marketing of the biological product licensed under subsection (k)” (Count 2 of the Complaint [*Dkt 1*]);

WHEREAS, Defendants answered the Complaint and asserted defenses that pertain to Count 2; and

WHEREAS, the parties stipulated, for purposes of this litigation only and not be deemed an admission by any party in any other litigation, that Defendants agree not to sell in the United States their proposed biosimilar version of Janssen's Remicade for use by doctors or patients before October 3, 2016 [*Dkt 207*].

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

1. All claims and defenses pending between the parties related to Count 2 for alleged violation of 42 U.S.C. § 262(1)(8)(A) are dismissed as moot.

Dated: August 22, 2016

/s/ Andrea L. Martin

Dennis J. Kelly BBO #266340
Andrea L. Martin BBO #666117
BURNS & LEVINSON LLP
125 Summer Street
Boston, Massachusetts 02110
Tel.: (617) 345-3000
Fax: (617) 345-3299
Email: dkelly@burnslev.com
Email: amartin@burnslev.com

Charles B. Klein (admitted *pro hac vice*)
Steffen Johnson (admitted *pro hac vice*)
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
Tel: (202) 282-5000
Fax: (202) 282-5100
Email: cklein@winston.com
Email: sjohnson@winston.com

Samuel S. Park (admitted *pro hac vice*)
Dan H. Hoang (admitted *pro hac vice*)
35 West Wacker Drive
Chicago, IL 60601
Tel: (312) 558-5600
Fax: (312) 558-5700
Email: spark@winston.com

Dated: August 22, 2016

/s/ Heather B. Repicky

Heather B. Repicky BBO #663347
Alison C. Casey BBO #688253
NUTTER MCCLENNEN & FISH LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210
Tel. (617) 439-2000
Fax: (617) 310-9191
Email: hrepicky@nutter.com
Email: acasey@nutter.com

Dianne B. Elderkin (admitted *pro hac vice*)
Barbara L. Mullin (admitted *pro hac vice*)
Angela Verrecchio (admitted *pro hac vice*)
Jason Weil (admitted *pro hac vice*)
AKIN GUMP STRAUSS
HAUER & FELD LLP
Two Commerce Square
2001 Market Street, Suite 4100
Philadelphia, PA 19103-7013
Tel: (215) 965-1200
Fax: (215) 965-1210
Email: delderkin@akingump.com
Email: bmullin@akingump.com
Email: averrecchio@akingump.com
Email: jweil@akingump.com

Email: dhoang@winston.com

Melinda K. Lackey (admitted *pro hac vice*)
1111 Louisiana, 25th Floor
Houston TX 77002
Tel: (713) 651-2600
Fax: (713) 651-2700
Email: mlackey@winston.com

KIRKLAND & ELLIS LLP
James Hurst (admitted *pro hac vice*)
WINSTON & STRAWN LLP
300 North LaSalle
Chicago, IL 60654
Tel: (312) 862-2000
Fax: (312) 862-2200
Email: james.hurst@kirkland.com

*Attorneys for Celltrion Healthcare Co., Ltd.,
Celltrion, Inc. and Hospira Inc.*

Gregory L. Diskant (admitted *pro hac vice*)
Irena Royzman (admitted *pro hac vice*)
Aron Fischer (admitted *pro hac vice*)
Andrew D. Cohen (admitted *pro hac vice*)
PATTERSON BELKNAP WEBB
& TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Tel: (212) 336-2000
Fax: (212) 336-2222
Email: gldiskant@pbwt.com
Email: iroyzman@pbwt.com
Email: afischer@pbwt.com
Email: acohen@pbwt.com

*Attorneys for Janssen Biotech, Inc. and New
York University*

CERTIFICATE OF SERVICE

I, Andrea L. Martin, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 22, 2016.

/s/Andrea L. Martin, Esq.
Andrea L. Martin, Esq.

4824-3474-7703.2