

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IMMUNEX CORPORATION;)
AMGEN MANUFACTURING, LIMITED;)
and HOFFMANN-LA ROCHE INC.;) Civil Action No.: 2:16-cv-01118-CCC-
MF

Plaintiffs,)

v.)

STIPULATION OF INFRINGEMENT

SANDOZ INC.; SANDOZ)
INTERNATIONAL GMBH; and SANDOZ)
GMBH;)

Defendants.)

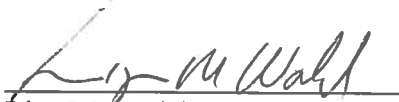
Defendants Sandoz Inc., Sandoz International GmbH, and Sandoz GmbH

(“Defendants”), by and through the undersigned counsel, hereby stipulate as follows:

1. Sandoz Inc.’s submission of abbreviated Biologics License Application (“aBLA”) No. 761042 for Defendants’ etanercept biosimilar, infringed claims 11-12 and 35-36 of U.S. Patent No. 8,063,182 under 35 U.S.C. § 271(e)(2)(C);
2. Sandoz Inc.’s submission of aBLA No. 761042 for Defendants’ etanercept biosimilar infringed claims 3, 8, and 10 of U.S. Patent No. 8,163,522 under 35 U.S.C. § 271(e)(2)(C);
3. Defendants’ making, using, offering to sell, or selling of Defendants’ etanercept biosimilar within the United States, or Defendants’ importation of Defendants’ etanercept biosimilar into the United States, will infringe claims 11-12 and 35-36 of U.S. Patent No. 8,063,182 under 35 U.S.C. § 271(a); and
4. Defendants’ making, using, offering to sell, or selling of Defendants’ etanercept biosimilar within the United States, or Defendants’ importation of Defendants’ etanercept

biosimilar into the United States, will infringe claims 3, 8, and 10 of U.S. Patent No. 8,163,522 under 35 U.S.C. § 271(g).

The stipulations of infringement to U.S. Patent No. 8,163,522 in paragraphs 2 and 4, above, are made under the Court's August 20, 2018 claim construction ruling, without prejudice to Defendants' right to appeal that ruling.



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SO ORDERED


Claire C. Cecchi, U.S.D.J.

September 10, 2018