

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(CLARKSBURG)

FILED

DEC 7 - 2007

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

WYETH

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

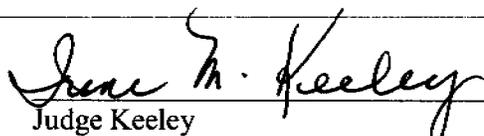
Civil Action No.: 1:07-CV-91
(Judge Keeley)

AGREED ORDER

Whereas Defendant has filed a motion to strike Plaintiff's allegations concerning willful infringement and Plaintiff has agreed to amend the complaint to withdraw the allegations of willful infringement without prejudice and Defendant has agreed to withdraw its motion without prejudice, the parties hereby agree to the following order:

1. The attached amended complaint shall be entered and nothing in the amended complaint shall be construed as an allegation of willful infringement.
2. Defendant hereby withdraws its motion to strike the allegations of willful infringement without prejudice.
3. Plaintiff reserves the right to request discovery independently relevant to allegations in the amended complaint whether or not the discovery is relevant also to willful infringement.
4. Defendant reserves the right to object to improper discovery requests relevant to willful infringement.

So ordered this 7th day of December, 2007.



Judge Keeley
United States District Court Judge

PREPARED AND PRESENTED BY:

Wyeth, Plaintiff

By: /s/ James F. Companion

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2007, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant(s):

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