

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BAUSCH HEALTH IRELAND LIMITED;
BAUSCH HEALTH US, LLC; and
BAUSCH HEALTH AMERICAS INC.,

Plaintiffs,

v.

PADAGIS ISRAEL PHARMACEUTICALS
LTD.; PADAGIS US LLC; and
PADAGIS LLC,

Defendants.

Civil Action No. 22-4248

Document Electronically Filed

STIPULATION

This stipulation is made by and between Plaintiffs Bausch Health Ireland Limited, Bausch Health US, LLC (“Bausch US”), and Bausch Health Americas Inc. (collectively, “Plaintiffs”) and Defendants Padagis Israel Pharmaceuticals Ltd. (“Padagis Israel”), Padagis US LLC, and Padagis LLC (collectively, “Defendants”).

WHEREAS, Bausch US holds the approved New Drug Application (“NDA”) No. 211882 for Arazlo® (tazarotene 0.045%);

WHEREAS Bausch listed U.S. Patent No. 11,311,482 (the “’482 Patent”) in Orange Book for Arazlo® (tazarotene 0.045%);

WHEREAS Padagis Israel has submitted an abbreviated new drug application, ANDA No. 215393, to the United States Food & Drug Administration seeking approval to engage in the commercial manufacture, use or sale of a generic tazarotene (0.045%) lotion (the “Padagis ANDA Product”);

WHEREAS Plaintiffs received from Padagis Israel a letter, dated May 12, 2022, (the “Padagis Notice Letter”) stating that Padagis Israel had included a certification in ANDA No. 215393 pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) that the ’482 Patent is invalid, or will not be infringed by the commercial manufacture, use, or sale of the Padagis ANDA Product;

WHEREAS, Plaintiffs informed Defendants that Plaintiffs intended to file the instant Action against Defendants for infringement of the ’482 Patent in the United States District Court for the District of New Jersey within 45 days of the receipt of the Padagis Notice Letter;

WHEREAS, the parties have conferred and agreed to submit this stipulation regarding venue, personal jurisdiction, and waiver of service to be filed along with Plaintiffs’ Complaint in this Action against Defendants alleging infringement of the ’482 Patent;

NOW THEREFORE, Plaintiffs and Defendants, by and through their respective undersigned counsel, stipulate and agree as follows:

1. Defendants hereby do not contest personal jurisdiction or venue and will not request relief on the basis of improper or inconvenient venue or lack of personal jurisdiction in this Court for purposes of this Action.
2. Defendants hereby waive service of the Summons and Complaint in this Action, and Plaintiffs shall send to counsel for Defendants by electronic mail a Waiver of Service form to be executed by Defendants and filed in this Action.

Dated: June 24, 2022

s/ William P. Deni, Jr.

William P. Deni, Jr.

J. Brugh Lower

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Bausch Health US, LLC, and

Bausch Health Americas Inc.

Dated: June 24, 2022

s/ Karen A. Confoy

Karen A. Confoy

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