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Attorneys for Plaintiffs

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

NOVARTIS CORPORATION, NOVARTIS  
PHARMACEUTICALS CORPORATION, and  
NOVARTIS INTERNATIONAL AG.

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 04-04473 (HAA)(ES)

NOVARTIS CORPORATION, NOVARTIS  
PHARMACEUTICALS CORPORATION, and  
NOVARTIS INTERNATIONAL AG,

Plaintiffs,

v.

WATSON LABORATORIES, INC. and WATSON  
PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 06-01130 (HAA)(ES)

**TEMPORARY RESTRAINING  
ORDER**

This matter having been opened to the Court upon an application for a Temporary Restraining Order by Gibbons P.C. and White & Case LLP, attorneys for Plaintiffs, Novartis Corporation, Novartis Pharmaceuticals Corporation, and Novartis International AG (collectively, "Novartis") against Defendant Teva Pharmaceuticals USA, Inc. ("Teva"), and the Court having read and considered the materials submitted herewith, and it appearing that the matter presented herein will cause immediate and irreparable harm and is of a sufficiently emergent nature to justify the entry of this Order, and it appearing to the Court that immediate and irreparable harm will likely result to Novartis before the scheduled hearing can be held on its application for preliminary injunctive relief, and that this application is properly addressed by entering a Temporary Restraining Order, and upon good cause having been shown,

**IT IS** on the 19<sup>th</sup> day of May, 2007, hereby

**ORDERED** that:

1. Defendant Teva and its agents, servants, representatives and employees and any and all other persons or entities acting by, through, under or in active concert or in participation with any or all of them, are hereby temporarily restrained from making, using, selling, or offering to sell products falling under its Abbreviated New Drug Application No. 77-179 ("ANDA") that seeks FDA approval to market a generic version of Plaintiffs Novartis' product Lotrel® ("Teva Product");

2. Defendant Teva (and its respective parents, subsidiaries, affiliates, partners, directors, officers, agents, representatives, servants, employees, attorneys and all persons in active concert, privity, or participation with them) shall immediately and forthwith issue a recall of all Teva Product by:

(a) notifying immediately any (i) customers or potential customers, including but not limited to, drug wholesalers, including Cardinal Health, McKesson, and Amerisource Bergen; warehousing chains including Walmart, Walgreens, CVS Drug Stores, Rite-Aid, and mail-order pharmacies, including Caremark, MedCo, Express Scripts; and (ii) pricing organizations including First Data Bank, Medispan, Gold Standard, that a full recall has been ordered by this Court, by sending each of them via email and facsimile a copy of this Order and the attached Notice of Recall; and

(b) arranging immediately for the removal, transport and return of all Teva Product from any facility of any drug wholesaler, warehousing chain, mail order pharmacy, or any other third party, including without limitation any Teva Product in transit, to Teva's facilities, where the returned Teva Product shall be inventoried immediately and maintained in Teva's possession; and

(c) retracting immediately in writing any offers of sale of the Teva Product made to any customers or potential customers.

3. No later than May 21, 2007, Teva shall file with the Court and serve on Novartis' counsel a verified report in writing setting forth in detail the manner and form in which Teva has complied with each of the above directives, including without limitation the methods of compliance.

4. This Temporary Restraining Order shall remain in full force and effect until further Order of this Court. Teva shall have leave to move for dissolution or modification of these restraints and other emergent relief on 21 days written notice to Novartis' counsel. Novartis

shall also retain the right to seek relief on short notice from the Court to enforce the terms and conditions of this Temporary Restraining Order .

5. Service of this Order, Novartis' supporting memorandum of law and all declarations shall be permitted by email delivery, which shall be effected immediately upon Teva's counsel of record in this action:

Michael E. Patunas  
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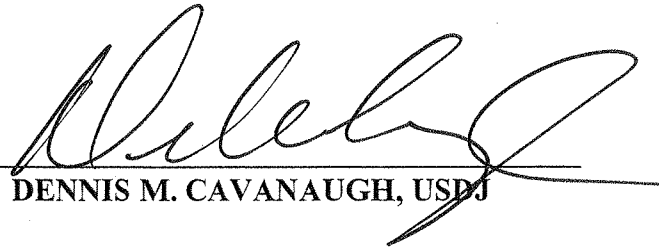
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Additional copies of the same shall be hand delivered today to the above counsel and Teva at the following address:

Teva Pharmaceuticals USA, Inc.  
1090 Horsham Road  
North Wales, PA 19454

Teva Pharmaceuticals USA, Inc.  
8 Gloria Lane #10  
Fairfield, NJ 07004

6. Counsel for Novartis and Teva are hereby further ordered to appear before this Court on Monday, May 21, 2007 at ~~9:00~~ <sup>11 am</sup> AM to further address the foregoing temporary restraints and other emergent relief.



DENNIS M. CAVANAUGH, USDJ