

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

BAXTER HEALTHCARE CORP. and)	
CYDEX PHARMACEUTICALS, INC.,)	
)	
Plaintiffs,)	
)	Civil Action No. 2:25-15120
v.)	
)	
PH HEALTH LTD., PAR HEALTH USA,)	
ENDO USA, INC., ENDO OPERATIONS)	
LIMITED, and ENDO, INC.,)	
)	
Defendants.)	

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs Baxter Healthcare Corp. (“Baxter”) and CyDex Pharmaceuticals, Inc. (“CyDex”) (collectively, “Plaintiffs”) and Defendants PH Health Ltd., Par Health USA, Endo USA, Inc., Endo Operations Limited, and Endo, Inc., (collectively, “Par” or “Defendants”) (Plaintiffs and Defendants collectively, the “Parties”) hereby agree and stipulate to the following:

WHEREAS, Defendants have submitted ANDA 219703 (“Defendants’ ANDA”) to the U.S. Food and Drug Administration (“FDA”) seeking approval to manufacture and sell a generic version of Baxter’s commercial pharmaceutical product NEXTERONE® (Amiodarone Hydrochloride Premixed Injection, 150 mg/100 mL (1.5 mg/mL)) (“Defendants’ ANDA Product”);

WHEREAS, Defendants have submitted an amendment to Defendants’ ANDA to convert its pre-existing Paragraph IV certification to a Paragraph III certification for U.S. Patent No. 7,635,773 (“the ’773 patent”), which is listed in the *Approved Drug Products with Therapeutics Equivalence Evaluations* (“Orange Book”) for the reference listed drug NEXTERONE®;

WHEREAS, Defendants have submitted Paragraph III certifications for U.S. Patent Nos. 8,410,077 (“the ’077 patent”), 9,200,088 (“the ’088 patent”), 9,493,582 (“the ’582 patent”), 9,750,822 (“the ’822 patent”), 10,117,951 (“the ’951 patent”), which are also listed in the Orange Book for the reference listed drug NEXTERONE®;

WHEREAS, Defendants have agreed not to market Defendants’ ANDA Product prior to the expiration of the ’773 patent.

NOW THEREFORE, the Parties stipulate and propose that:

- 1) Pursuant to Fed. R. Civ. P. 41(a)(2) the above-captioned action, including all claims asserted by all parties in this action, shall be and hereby is dismissed without prejudice in its entirety.
- 2) Each party shall bear its own costs, attorneys’ fees, and expenses incurred in connection with the claims dismissed by this stipulation.

SO STIPULATED this 16th day of June, 2026.

/s/Charles H. Chevalier
Charles H. Chevalier
Caitlyn Coyle
FBT GIBBONS LLP
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500
cchevalier@fbtgibbons.com
ccoyle@fbtgibbons.com

Edgar H. Haug
Kaitlin M. Farrell
Andrew S. Roper

/s/Gregory D. Miller
Gregory D. Miller
Timothy P. Gonzalez
Catherine Salerno
RIVKIN RADLER LLP
25 Main Street
Court Plaza North, Suite 501
Hackensack, NJ 07601
(201) 287-2474
gregory.miller@rivkin.com
timothy.gonzalez@rivkin.com

Joseph M. Reisman
Jared C. Bunker
Nicholas A. Belair

Andrew S. Wasson
HAUG PARTNERS LLP
745 Fifth Avenue
New York, NY 10151
(212) 588-0800
ehaug@haugpartners.com
kfarrell@haugpartners.com
aroper@haugpartners.com
awasson@haugpartners.com

*Attorneys for Plaintiff
Baxter Healthcare Corp.*

KNOBBE MARTENS
2040 Main Street
14th Floor
Irvine, California 92614
(949) 760-0404
joseph.reisman@knobbe.com
jared.bunker@knobbe.com
nick.belair@knobbe.com

*Attorneys for Plaintiff
CyDex Pharmaceuticals, Inc.*

/s/ *Kaan Ekiner*
Kaan Ekiner
COZEN O'CONNOR
1201 N. Market Street
Suite 1001
Wilmington, DE 19801
(302) 295-2046
kekiner@cozen.com

W. Blake Coblentz
COZEN O'CONNOR
2001 M Street, NW, Suite 500
Washington, DC 20036
(202) 912-4800
wcoblentz@cozen.com


Keri L. Schaubert
COZEN O'CONNOR
3 WTC, 175 Greenwich Street, 55th Floor
New York, NY 10007
(212) 509-9400
kschaubert@cozen.com

Madison McNulty
COZEN O'CONNOR
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
(215) 665-2000
mmculty@cozen.com

Attorneys for Defendants PH Health Ltd.,

*Par Health USA, Endo USA Inc.,
Endo Operations Limited, and Endo, Inc.*

SO ORDERED this 23 day of June, 2026.



Honorable Madeline Cox Arleo, U.S.D.J.