

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AVENTIS PHARMA DEUTSCHLAND)
GMBH and KING PHARMACEUTICALS,)
INC.)

Plaintiffs,)

v.)

COBALT PHARMACEUTICALS, INC.,)

Defendant.)

Civil Action No. 03-10492 JLT

STIPULATION

Defendant Cobalt Pharmaceuticals, Inc. ("Cobalt") and Plaintiffs Aventis Pharma Deutschland GmbH and King Pharmaceuticals, Inc. agree that the following facts are undisputed:

1. Cobalt filed Abbreviated New Drug Application No. 76-549 ("Cobalt's ANDA") with the Food and Drug Administration ("FDA"), seeking approval to market capsules containing 1.25 mg, 2.5 mg, 5 mg, and 10 mg of ramipril ("Cobalt's Ramipril Capsules").

2. Cobalt admits that making, using, offering to sell, importing, or selling the Cobalt Ramipril Capsules and/or their active ramipril ingredient in the United States would infringe claim 1 of United States patent no. 5,061,722 ("the '722 patent"). This admission is without prejudice to Cobalt's allegations that claim 1 of the '722 patent is invalid and unenforceable.

3. Cobalt admits that making, using, offering to sell, importing, or selling the Cobalt Ramipril Capsules and/or their active ramipril ingredient in the United States would infringe claim 2 of the '722 patent. This admission is without prejudice to Cobalt's allegations that claim 2 of the '722 patent is invalid and unenforceable.

4. Cobalt admits that making, using, offering to sell, importing, or selling the Cobalt Ramipril Capsules and/or their active ramipril ingredient in the United States would infringe claim 4 of the '722 patent. This admission is without prejudice to Cobalt's allegations that claim 4 of the '722 patent is invalid and unenforceable.

5. Cobalt admits that making, using, offering to sell, importing, or selling the Cobalt Ramipril Capsules and/or their active ramipril ingredient in the United States would infringe claim 5 of the '722 patent. This admission is without prejudice to Cobalt's allegations that claim 5 of the '722 patent is invalid and unenforceable.

6. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 1 of United States patent no. 5,403,856 ("the '856 patent"). This admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 1 of the '856 patent is invalid.

7. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 2 the '856 patent. This admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 2 of the '856 patent is invalid.

8. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 4 of the '856 patent. This admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 4 of the '856 patent is invalid.

9. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 5 of the '856 patent. This

admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 5 of the '856 patent is invalid.

10. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 6 of the '856 patent if that use entails the administration of a sub-anti-hypertensive dose of ramipril. This admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 6 of the '856 patent is invalid.

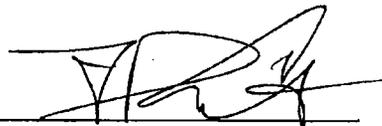
Respectfully submitted,



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Dated March 18, 2004



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admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 5 of the '856 patent is invalid.

10. Cobalt admits that the use of Cobalt's Ramipril Capsules in the United States for the treatment of cardiac insufficiency would directly infringe claim 6 of the '856 patent if that use entails the administration of a sub-anti-hypertensive dose of ramipril. This admission is without prejudice to Cobalt's contention that it would not induce or contribute to such direct infringement or its allegation that claim 6 of the '856 patent is invalid.

Respectfully submitted,

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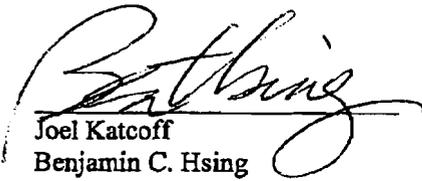
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Dated 3-22-2004