

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,)
)
Plaintiff,)
v.)
BRISTOL-MYERS SQUIBB COMPANY,)
)
Defendant.)

Ci

Case: 1:09-cv-00576
Assigned To : Sullivan, Emmet G.
Assign. Date : 3/26/2009
Description: General Civil

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) the parties consent that the Court may file and enter a Final Judgment in the form attached to this Stipulation, on the Court's own motion or on the motion of any party at any time, and without further notice to any party or other proceedings, if Plaintiff has not withdrawn its consent, which it may do at any time before the entry of judgment by serving notice of its withdrawal on Defendant Bristol-Myers Squibb Company and filing that notice with the Court;

(2) the parties have entered into this Stipulation to settle in full all claims related to Bristol-Myers Squibb Company's alleged failure, with its May 30, 2006, filing of a settlement agreement with Apotex Inc., to comply with Paragraph XII of the final order issued by the Commission in FTC Docket C-4076, and to settle in full all claims related to Bristol-Myers Squibb Company's alleged failure, with its May 30, 2006, filing of a settlement agreement with Apotex Inc., to comply with Subtitle B of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub.Law 108-173 Stat. 2461 (Dec. 8, 2003).

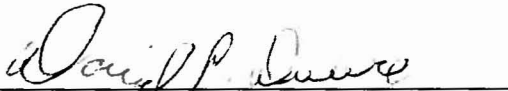
(3) This Stipulation is for settlement purposes only and does not constitute an admission by Bristol-Myers Squibb Company that the law has been violated as alleged or that any of the facts alleged, other than jurisdictional facts, are true.

(4) Defendant Bristol-Myers Squibb Company waives any objection to venue or jurisdiction for purposes of the Final Judgment and authorizes Lorin L. Reisner, Esq. of Debevoise & Plimpton LLP to accept service of all process in this matter on its behalf; and

(5) In the event Plaintiff withdraws its consent or, if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

(6) Plaintiff considers entry of the Final Judgment to be in the Public Interest.

Dated: March 26, 2009
FOR THE FEDERAL TRADE COMMISSION:
By:

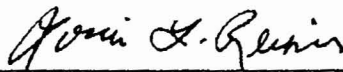


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Bureau of Competition

Dated: March 11, 2009
Bristol-Myers Squibb Company
a Delaware corporation
By:


General Counsel


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March 25, 2009

BY FEDERAL EXPRESS

Daniel P. Ducore, Esq.
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Federal Trade Commission
Bureau of Competition
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Federal Trade Commission v. Bristol-Myers Squibb Company

Dear Mr. Ducore:

By this letter, counsel for Bristol-Myers Squibb Company agree and stipulate that the parties and the Court may consider the telefaxed signature pages of March 11, 2009, as true and original signatures of defendant for all purposes relating to the matter.

Very truly yours,


Lorin L. Reisner