

(2) CVS Pharmacy's substitution for CVS Caremark in the above-captioned action shall relate back to Lodsys's filing of the Complaint, including for purposes of any applicable statute of limitations;

(3) CVS Pharmacy, by and through its undersigned counsel, agrees to waive its right to service of the Summons and Complaint in the above-captioned action; and

(4) CVS Pharmacy's response to the Complaint shall be due within twenty-one (21) days from entry of the Order granting this Joint Motion.

Counsel for Lodsys has conferred with counsel for CVS Caremark and CVS Pharmacy regarding the relief jointly requested herein. This Joint Motion is not for purposes of delay.

Dated: September 2, 2011.

Respectfully Submitted,

By: /s/ Christopher M. Huck
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**Attorneys for Defendant CVS Caremark
Corporation and CVS Pharmacy, Inc.**

CERTIFICATE OF CONFERENCE

The undersigned counsel for Lodsys and counsel for CVS Caremark and CVS Pharmacy certify that they have conferred regarding this Joint Motion and the relief jointly requested herein.

By: /s/ Christopher M. Huck
Christopher M. Huck

By: /s/ Patrick T. Weston
Patrick T. Weston

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this response was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to FED. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this 2nd day of September 2011.

By: /s/ Christopher M. Huck
Christopher M. Huck