

United States District Court,
D. New Jersey.

TEVA PHARMACEUTICAL INDUSTRIES, LTD. and Teva Pharmaceuticals USA, Inc,
Plaintiffs.

v.

DR. REDDY'S LABORATORIES, LTD., and Dr. Reddy's Laboratories, Inc,
Defendants.

Civ. No. 07-2894 (GEB)(JJH)

June 23, 2008.

Allyn Zissel Lite, Mayra Velez Tarantino, Michael E. Patunas, Lite, Depalma, Greenberg & Rivas, LLC,
Newark, NJ, for Plaintiffs.

Stuart D. Sender, Bruce D. Radin, Michael H. Imbacuan, Budd Larner, PC, Short Hills, NJ, for Defendants.

MARKMAN ORDER

BROWN, Chief Judge.

This matter comes before the Court upon the parties' request for claim construction on U.S. Patent No. 6,710,184 ("the '184 Patent"); and the Court having considered the parties' written submissions; and the Court having conducted a Markman Hearing on June 19, 2008; and for the reasons set forth in the record of that date and in the Markman Opinion accompanying this Order;

IT IS THIS 23rd day of June, 2008 hereby

ORDERED that the disputed claim terms have the following meanings:

1. The claim term "solvate", as found in Claim 1 of the '184 Patent means, "an aggregate that consists of one or more solute ions or molecules with one or more solvent molecules."

2. The claim term "Crystalline carvedilol or a solvate thereof characterized by data selected from the group consisting of PXRD pattern with peaks at about 6.5, 7.3, 16.0, and 30.5(plus-or-minus sign)0.2 degrees two-theta; a DSC thermogram with endothermic peaks at about 74 (deg.)C and 112 (deg.)C.; and a FTIR spectrum with peaks at about 613, 740, 994, 1125, 1228, 1257, 1441, 1508, 1737, 2840, 3281, 3389, and 3470 cm⁻¹", as found in Claim 1 of the '184 Patent means "crystalline carvedilol or a solvate thereof having at least one of the following characteristics of Form VI: A powder X-ray diffraction pattern with peaks at approximately 6.5, 7.3, 16.0, and 30.5(plus-or-minus sign)0.2 degrees two-theta; a differential scanning calorimetric thermogram with endothermic peaks at approximately 74:1C and 112 (deg.)C.; or a FTIR spectrum with peaks at approximately 613, 740, 994, 1125, 1228, 1257, 1441, 1508, 1737, 2840, 3281, 3389,

and 3470 cm⁻¹."

D.N.J.,2008.

Teva Pharmaceutical Industries, Ltd. v. Dr. Reddy's Laboratories, Ltd.

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