

United States District Court,
D. New Jersey.

TYCO HEALTHCARE GROUP LP and Mallinckrodt Inc,
Plaintiffs.

v.

MUTUAL PHARMACEUTICAL COMPANY, INC. and United Research Laboratories, Inc,
Defendants.

Civil Action No. 07-1299 (SRC)

Jan. 5, 2009.

William J. Heller, Jonathan M.H. Short, Mark H. Anania, McCarter & English, LLP, Newark, NJ, for
Plaintiffs.

Erica Susan Helms, Karen A. Confoy, Sterns & Weinroth, PC, Trenton, NJ, for Defendants.

ORDER

CHESLER, District Judge.

This matter having come before the Court on the applications by Plaintiffs Tyco Healthcare Group LP ("Tyco") and Mallinckrodt Inc. ("Mallinckrodt") and Defendants Mutual Pharmaceutical Company, Inc. and United Research Laboratories, Inc. (collectively, "Mutual") for claim construction to resolve disputes over the construction of claim terms in U.S. Patent No. 5,211,954 (the "954 patent"); and this Court having considered the parties' submissions; and for the reasons stated in the accompanying Opinion; and good cause appearing,

IT IS on this 5th day of January, 2009

ORDERED that the parties' disputes over claim construction are resolved as follows: 1) The surface area range stated in the claims is read precisely as written. The phrase "consisting essentially of" does not broaden the scope of the surface area range. 2) The phrase "surface area" is not limited to the measurement method stated in Example 1. 3) The specific range of "surface area" does not apply to less than the entire dosage amount.

D.N.J., 2009.

Tyco Healthcare Group LP v. Mutual Pharmaceutical Co., Inc.

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