United States District Court,
D. New Jersey.

ORTHO-McNEIL PHARMACEUTICAL INC., et al,
Plaintiffs.
v.
BARR LABORATORIES, INC,
Defendant.

Civil Action No. 03-4678 (SRC)

April 19, 2005.

Andrew T. Berry, Cynthia Stencel Betz, McCarter & English, LLP, Newark, NJ, Thomas Evan Hastings, Smith, Stratton, Wise, Heher & Brennan, LLP, Princeton, NJ, for Plaintiffs.

Robert M. Goodman, Greenbaum, Rowe, Smith & Davis, LLP, Roseland, NJ, for Defendant.

ORDER

STANLEY R. CHESLER**, District Judge.**

This matter having come before the Court at the request of Ortho-McNeil Pharmaceutical Inc. and Barr Laboratories, Inc., to construe the terms "method of contraception" and "oral contraceptive unit" in claims 1 and 4 of U.S. Patent No. 6,214,815, and having heard oral argument on March 31, 2005 and having considered the written submissions of the parties;

IT IS hereby ORDERED, on this 19th day of April, 2005, for the reasons set forth in this Court's Opinion accompanying this Order and dated the same, that:

(1) the term "method of contraception" in claim 1 of the '815 patent shall be construed in all future proceedings, pursuant to Markman v. Westview Instruments, Inc., 52 F.3d 967 (Fed.Cir.1995) (*en banc*), as a means or manner that effectively prevents conception or impregnation (with contraceptive efficacy comparable to approved or potentially approvable oral contraceptive products); and

(2) the term "oral contraceptive unit" in claim 4 of the '815 patent shall be construed in all future proceedings, pursuant to Markman, 52 F.3d 967, as a plurality of oral contraceptive pills assembled in a package that will allow women of child bearing ability to effectively prevent conception for at least a four week interval or one cycle.

D.N.J.,2005.
Ortho-McNeil Pharmaceutical Inc. v. Barr Laboratories, Inc.

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