United States District Court,
D. Delaware.

ALLERGAN, INC., and Allergan Sales, LLC,
Plaintiffs.
v.
ALCON INC., Alcon Laboratories, Inc., and Alcon Research, Ltd,
Defendants.

Civil Action No. 04-968(GMS)

July 26, 2005.

William J. Marsden, Jr., Sean Paul Hayes, Fish & Richardson, P.C., Wilmington, DE, for Plaintiffs.

Josy W. Ingersoll, Karen Elizabeth Keller, Melanie K. Sharp, Young, Conaway, Stargatt & Taylor, Wilmington, DE, for Defendants.

ORDER CONSTRUING THE TERMS OF U.S. Patent Nos. 6,673,337 ***and*** 6,641,834

GREGORY M. SLEET**, District Judge.**

After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that, as used in the asserted claims of U.S. Patent No. 6,673,337 (the "'637 patent") and U.S. Patent No. 6,641,834 (the "'834 patent"),

1. The term "solubility enhancing component other than a cyclodextrin" in clam 1 of the '337 patent is construed as "a component that enhances the solubility of the alpha-2-adrenergic agonist component other than a cyclodextrin."

2. The term "similar composition" in claims 1 and 6 of the '337 patent is construed to have its plain and ordinary meaning.

3. The term "about" in claims 1, 3, 10 and 12 of the '834 patent is construed as "approximately."

D.Del.,2005.
Allergan, Inc. v. Alcon Inc.

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