United States District Court,
D. New Jersey.

WYETH,
Plaintiff.
v.
TEVA PHARMACEUTICALS USA, INC. and Teva Pharmaceutical Industries Ltd,
Defendants.

No. 03-CV-1293 (WJM)

Sept. 6, 2005.

Allyn Zissel Lite, Lite, Depalma, Greenberg & Rivas, LLC, Kevin J. McKenna, Mara E. Zazzali, Gibbons, PC, Eileen Quinn Steiner, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, PC, Newark, NJ, for Plaintiff.

Allyn Zissel Lite, Lite, Depalma, Greenberg & Rivas, LLC, Newark, NJ, Kevin J. McKenna, Gibbons, PC, Michael E. Patunas, Lite, Depalma, Greenberg & Rivas, LLC, Newark, NJ, for Defendants.

MARKMAN ORDER

WILLIAM J. MARTINI**, District Judge.**

This matter comes before the Court on motions to construe certain disputed claim terms in the patents-in-suit. After having reviewed the parties' submissions, and having considered the parties' arguments made at the *Markman* hearing, and for good cause shown,

IT IS on this 6th day of September 2005, hereby

ORDERED that the disputed claim terms shall have the following meanings:

1. "extended release formulation" means "a formulation comprising venlafaxine hydrochloride, microcrystalline cellulose and, optionally, HPMC coated with a mixture of ethyl cellulose and HPMC in an amount needed to provide a specific unit dosage administered once-a-day to provide a therapeutic blood plasma level of venlafaxine over the entire 24-hour period of administration;"

2. "spheroids" means "one or more particles that are generally shaped like a sphere, although they do not have to be perfectly round;"

3. "with diminished incidence(s) of nausea and emesis" means "a decrease in the number of patients suffering from nausea and vomiting compared to patients receiving the same total daily dose of an immediate release formulation that is administered at least twice a day;"

4. "encapsulated" means "a formulation that is filled into a pharmaceutically acceptable capsule."

D.N.J.,2005.
Wyeth v. Teva Pharmaceuticals USA, Inc.

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