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May 19, 2016

BYCM/ECF AND HAND DELIVERY

The Honorable Richard G. Andrews
United States District Court
District of Delaware
844 N. King Street
Wilmington, DE   19801

      Re: *Hospira, Inc. v. Amneal Pharmaceuticals LLC*, **C.A. No. 15-697-RGA**

Dear Judge Andrews:

      I write further to our letter of May 4, 2016 (D.I. 48) on behalf of Defendant Amneal Pharmaceuticals LLC ("Amneal") regarding U.S. Patent No. 9,320,712 (the "'712 patent"), the supplemental authority provided after filing of the Joint Claim Construction Brief (D.I. 44). Our May 4 letter notified your Honor that Amneal intended to address the newly-issued '712 patent at the claim construction hearing, originally scheduled for May 17. However, pursuant to the Oral Order (D.I. 54) of May 16, 2016, the claim construction hearing was cancelled, preventing Amneal from addressing the '712 Patent and its relevance to the construction of the term "dexmedetomidine."

      Briefly, the '712 Patent, has the same specification as the patents in suit, is related to the Patents-in-suit and is intrinsic evidence relevant to claim construction inquiries at issue in this case. Claim 1 of the '712 Patent recites a "ready to use liquid pharmaceutical composition for parenteral administration" comprising "*dexmedetomidine*…wherein the *dexmedetomidine is formulated as a hydrochloride salt*." (emphasis added). The plain language of the '712 patent claims makes clear that dexmedetomidine is a **free base** compound which is formulated as a hydrochloride salt. Consistent with the Patents-in-suit, the '712 Patent makes clear that dexmedetomidine refers only to the free base form of the compound, since only the free base form can be "formulated as a hydrochloride salt."

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       If Your Honor has any questions concerning the foregoing, counsel remains available at the Court's convenience.

Respectfully,

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)

cc: Counsel of Record (by CM/ECF)