

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE LLC and BAYER)	
HEALTHCARE PHARMACEUTICALS)	
INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 16-1221 (LPS)
v.)	CONSOLIDATED
)	
TEVA PHARMACEUTICALS USA, INC.,)	
et al.,)	
)	
Defendants.)	

JOINT STATUS REPORT REGARDING CLAIM CONSTRUCTION

Pursuant to the Court’s August 24, 2018 order, D.I. 88, Plaintiffs Bayer HealthCare LLC and Bayer HealthCare Pharmaceuticals Inc. (collectively, “Bayer”), and Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) respectfully submit this Joint Status Report.

The parties’ claim construction dispute concerned two claim terms in the asserted claims of U.S. Patent No. 8,680,124 (the “’124 patent”). None of the disputed claim terms concerns U.S. Patent Nos. 7,351,834, 8,637,553, or 9,458,107. See D.I. 52, 53, 56, 57, 63, 64.

Because the ’124 patent is not at issue in the case involving Bayer and Apotex, the claim construction dispute involved only Bayer and Teva. Bayer has informed Teva that it is no longer asserting the ’124 patent against Teva in this litigation. Accordingly, the parties’ claim construction dispute is moot, and there is no need for a *Markman* hearing.

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