

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BAXTER HEALTHCARE CORPORATION,)
)
Plaintiff,)
)
v.) C.A. No. 18-303-RGA
)
HOSPIRA, INC. and ORION CORP.,)
)
Defendants.)

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 8 of the Court’s Scheduling Order (D.I. 21), Plaintiff Baxter Healthcare Corporation (“Baxter”) and Defendants Hospira, Inc. and Orion Corp. (“Defendants”) hereby submit this Joint Claim Construction Chart, attached hereto as Exhibit A, in preparation for the claim construction hearing scheduled in this matter. The parties certify that in accordance with the Scheduling Order, they met and conferred on June 14, 2018 to narrow the number of claim construction issues in this case.

This Chart addresses the claim construction positions of the parties regarding U.S. Patent No. 6,716,867 (the “’867 Patent”),¹ and the parties agree that any terms in the asserted claims of the ’867 Patent not appearing in Exhibit A do not require construction by the Court. In support of this Chart, the parties have included three additional exhibits, B-D. Exhibit B includes a copy of the intrinsic evidence that Baxter may rely on in support of its proposed constructions, while Exhibit C includes a copy of the intrinsic evidence that Defendants may rely on in support of their proposed constructions. Exhibit D contains a copy of the ’867 Patent.

¹ The parties filed a proposed Consent Judgment for U.S. Patent Nos. 8,242,158, 8,338,470, and 8,455,527 (collectively, the “Glass Patents”) on June 15, 2018 (D.I. 38). To the extent the Consent Judgment is not approved by the Court, Baxter reserves its right to seek claim construction on the Glass Patents.

Each party reserves the right to rely on uncited portions of the intrinsic evidence to provide context and/or to aid in understanding the cited portions of the intrinsic evidence. Additionally, each party reserves the right to rely on uncited intrinsic evidence in rebuttal to arguments or evidence submitted by the other party. Finally, each party reserves the right to update and/or supplement its proposed claim constructions with the *Markman* briefing in this case.

POTTER ANDERSON & CORROON LLP

CONNOLLY GALLAGHER LLP

By: /s/Philip A. Rovner
Philip A. Rovner (#3215)
Jonathan A. Choa (#5319)
Alan R. Silverstein (#5066)
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com
jchoa@potteranderson.com
asilverstein@potteranderson.com

By: /s/Arthur G. Connolly, III
Arthur G. Connolly, III (#2667)
Ryan P. Newell (#4744)
The Brandywine Building
1000 West Street
Suite 1400
Wilmington, DE 19801
(302) 757-7300
aconnolly@connollygallagher.com
rnewell@connollygallagher.com

OF COUNSEL:

Neal Seth
Lawrence M. Sung
Bethany A. Corbin
WILEY REIN LLP
1776 K St. NW
Washington, DC 20006
(202) 719-7000

Attorneys for Plaintiff

OF COUNSEL:

Bradford P. Lyerla
Sara T. Horton
Yusuf Esat
Ren-How Harn
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
(312) 222-9350

Attorneys for Defendants

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