EXHIBIT A

EXHIBIT A
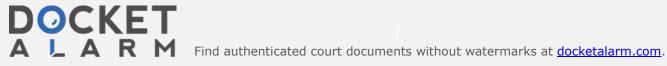**Joint Claim Construction Chart for U.S. Patent No. 6,716,867 (the "'867 Patent")**
Baxter Healthcare Corporation v. Hospira, Inc. & Orion Corp.
Civil Action No. 18-303 (RGA)

Claim	Term	Baxter's Proposed Construction & Intrinsic Evidence	Defendants' Propose[...] Intrinsic E[...]
1-12	"dexmedetomidine"	Agreed upon construction: Substantially pure, optically active dextrorotary s[...] medetomidine, as the free base or pharmaceutically acceptable salt.	
1-12	"intensive care unit"	**Proposed construction:** Any setting that provides care to critically ill patients, characterized by high nurse-to-patient ratios, continuous medical supervision, and intensive monitoring. **Intrinsic evidence** Specification **'867 Patent**, including 1:17-20; 1:31-33; 1:42-43; 2:15-25; 2:40-47; 2:57-59; 3:49-51; 4:44-45; 4:62-66; 13:41-52; *see generally* Examples 1-3 (5:45-13:52). Prosecution History of the '867 Patent **Rejection dated February 11, 2002** (including discussion of David Crippen, *Stress, Agitation, and Brain Failure in Critical Care Medicine*, Critical Care Nursing Quarterly, 52-74 (Aug. 1992) ("Crippen")).	**Proposed construction:** provides intensive care. **Intrinsic evidence** Specification 1:17-18 ("Also, the word includes any setting that care."). 3:49-51 ("It should also word intensive care unit setting that provides inte[...] 4:44-45 ("The word inte[...] encompasses any setting intensive care."). Example 3, cols. 8-13 Prosecution History of t[...] August 8, 2002, Remark[...] have amended claims 13

Claim	Term	Baxter's Proposed Construction & Intrinsic Evidence	Defendants' Propose[...] Intrinsic E[...]
		Amendment and Remarks dated August 8, 2002 (including discussion of Crippen). **Supplemental Information Disclosure Statement dated August 8, 2002** (including reference to M. Tryba et al., *Critical Care Pharmacotherapy*, Drugs. vol. 45, 338-352 (1993), and other articles). **Amendment and Remarks dated May 2, 2003** (including discussion of Crippen; Mervyn Maze, *Sedation in the Intensive Care Unit*, Int'l Congress & Symp. Series No. 221, 3-10 (1998); Elizabeth Caudwell et al., *Nursing Considerations in Intensive Care Unit Sedation and Experience with Dexmedetomidine*, Int'l Congress & Symp. Series No. 221, 73-81 (1998); and Jean Mantz et al., *Importance of Patient Orientation and Rousability as Components of Intensive Care Unit Sedation*, Int'l Congress & Symposium Series No. 221, 23-29). **Supplemental Response dated May 20, 2003** (including discussion of Michael L. Pepperman, *Benzodiazepine Sedation and the Use of Benzodiazepine Antagonists in Intensive Care*, Intensive Therapy & Clinical Monitoring (Feb. 1989), and Vallire D. Hooper et al., *Sedation in the Critically Ill Patient*, Critical Care Nursing of North America, Vol. 9, 395-410 (Sept. 1997)).	treatment of a patient in [...] unit,' as that phrase is de[...] specification.").

EXHIBIT B
Baxter's Intrinsic Evidence

U.S. Patent No. 6,716,867

(The "'867 Patent")

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