

Charles M. Lizza
William C. Baton
SAUL EWING ARNSTEIN & LEHR LLP
One Riverfront Plaza, Suite 1520
Newark, New Jersey 07102-5426
(973) 286-6700
clizza@saul.com

*Attorneys for Plaintiffs
Celgene Corporation and
Abraxis Bioscience, LLC*

Arnold B. Calmann
Katherine A. Escanlar
SAIBER LLC
One Gateway Center
10th Floor, Suite 1000
Newark, New Jersey 07102
(973) 622-333

*Attorneys for Defendant
Cipla Limited*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ABRAXIS BIOSCIENCE, LLC and
CELGENE CORPORATION,

Plaintiffs,

v.

CIPLA LTD.,

Defendant.

Civil Action No. 16-9074 (JMV)(MF)

(Filed Electronically)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Plaintiffs Abraxis Bioscience, LLC and Celgene Corporation (collectively, “Celgene”) and Defendant Cipla Ltd. (“Cipla”) hereby submit their Joint Claim Construction and Prehearing Statement in accordance with Local Patent Rule 4.3. At this time, there are no disputed claim terms requiring construction by the Court.

I. CONSTRUCTION OF PATENT TERMS**A. Agreed Upon Claim Constructions**

Pursuant to Local Patent Rule 4.3(a), the parties identify the following terms on which the parties agree for the purposes of this proceeding only. To the extent that the claim terms are used repeatedly throughout a patent or family of patents, any constructions of such terms carry the same meaning throughout a patent or family of patents.

Term	Patent(s)	Definition
“the weight ratio of albumin to paclitaxel in the composition”	U.S. Patent No. 7,820,788, claims 1, 11, and 12	The weight ratio of albumin to paclitaxel in the final product for injection into the patient
“the weight ratio of albumin to the paclitaxel in the composition”	U.S. Patent No. 7,923,536, claims 1, 5, 6, 9, and 10	
“the ratio (w/w) of albumin to the paclitaxel in the pharmaceutical composition”	U.S. Patent No. 8,138,229, claims 1, 4-5, 9-10, 15, 17-18, 25-26, 31-32, and 40-41	
“the ratio (w/w) of the albumin to the paclitaxel in the pharmaceutical composition”		

B. Disputed Claim Terms

The parties submit that there are no disputed claim terms requiring construction by the Court.

Dated: November 21, 2017

Respectfully submitted,

By: s/ Charles M. Lizza

Charles M. Lizza
William C. Baton
SAUL EWING ARNSTEIN & LEHR LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102-5426
(973) 286-6700
clizza@saul.com

OF COUNSEL:

F. Dominic Cerrito
Eric C. Stops
Andrew S. Chalson
Daniel Wiesner
Catherine T. Mattes
Ross Misskelley
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000

Anthony M. Insogna
Cary Miller, Ph.D.
Steven J. Corr
JONES DAY
12265 El Camino Real #200
San Diego, CA 92130
(858) 314-1200

*Attorneys for Plaintiffs
Celgene Corporation and
Abraxis BioScience, LLC*

Respectfully submitted,

By: s/ Arnold B. Calmann

Arnold B. Calmann
Katherine A. Escanlar
SAIBER LLC
One Gateway Center
10th Floor, Suite 1000
Newark, New Jersey 07102
(973) 622-333

OF COUNSEL:

Anil H. Patel
Peter Giunta
Ravi S. Deol
Michael J. Freno
Elizabeth Weiskopf
K&L GATES LLP
1000 Main St. Ste. 2550
Houston, TX 77002
(713)815-7300

*Attorneys for Defendant
Cipla Limited*