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United Therapeutics Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED THERAPEUTICS CORPORATION,  
  
Plaintiff and Counterclaim-Defendant,  
  
v.  
  
WATSON LABORATORIES, INC.,  
  
Defendant and Counterclaim-Plaintiff.

Civil Action No. 15-cv-5723 (PGS) (LHG)

**STIPULATION AND [PROPOSED] CLAIM CONSTRUCTION ORDER**

This stipulation is made by and between Plaintiff and Counterclaim-Defendant United Therapeutics Corporation (“UTC”) and Defendant and Counterclaim-Plaintiff Watson Laboratories, Inc. (“Watson”).

claim construction proceedings;

NOW, THEREFORE, in the interest of judicial economy and efficiency, UTC and Watson, by and through their respective undersigned counsel, and subject to the approval of the Court, stipulate and agree as follows for purposes of this litigation:

The disputed claim term “**an opto-acoustical trigger**” as used in the asserted claims of the '507 patent and the '240 patent shall be construed to mean “**a trigger with an optical element (e.g., light) and an acoustical element (e.g., sound).**”<sup>1</sup>

The stipulation filed herein shall relieve the parties of the following Local Patent Rules and Pretrial Scheduling Order obligations:

- **October <sup>20</sup>~~19~~, 2016** Joint Claim Construction and Prehearing Statement.
- **October 21, 2016** Completion of Claim Construction Discovery.
- **October 28, 2016** Opening *Markman* Submissions.
- **November 11, 2016** Responding *Markman* Submissions.
- **December 6, 2016** Claim Construction Hearing.

DATED: October 14, 2016

SO ORDERED this 17 day of October, 2016.

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<sup>1</sup> Watson wants the Court to be advised that, although the parties have agreed on a construction for “an opto-acoustical trigger,” there appears to be a live dispute between the parties regarding a contradiction between the disclosure of an opto-acoustical trigger in the specification of the '507 and '240 patents and statements made in UTC’s response to Watson’s Invalidation Contentions for the '507 and '240 patents. The parties have exchanged correspondence and begun to confer on the issue. Watson will raise the issue with the Court at an appropriate time, if necessary.

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