

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

RECKITT BENCKISER)
PHARMACEUTICALS INC., RB)
PHARMACEUTICALS LIMITED, and)
MONOSOL RX, LLC,) CA. No. 14-01451-RGA
)
Plaintiffs,)
v.)
TEVA PHARMACEUTICALS USA, INC.,)
)
Defendant.)

JOINT CLAIM CONSTRUCTION STATEMENT

The parties hereby submit the attached Joint Claim Construction Chart, which sets forth: (i) the disputed claim terms; (ii) the parties' respective proposed constructions for the disputed claim terms; and (iii) the intrinsic evidence on which each party will rely to support its respective proposed constructions and/or to rebut the opposing party's proposed constructions. In addition to the materials disclosed in the Joint Claim Construction Chart, each party reserves the right to rely on other portions of the specifications and prosecution histories of the patents-in-suit during claim construction briefing and argument. A copy of the Joint Claim Construction Chart is attached as Exhibit A. Copies of United States Patent Nos. 8,017,150 ("the '150 patent"), 8,475,832 ("the '832 patent"), and 8,603,514 ("the '514 patent") and those portions of their prosecution histories cited by the parties are attached as Exhibits B- and organized as follows:

Exhibit B U.S. Patent No. 8,017,150
Exhibit C U.S. Patent No. 8,475,832
Exhibit D U.S. Patent No. 8,603,514
Exhibit E '514 Patent File History, December 9, 2010 Amendment and Response Pursuant to 37 C.F.R. §1.111 at 10-20

- Exhibit F '514 Patent File History, April 4, 2011 Amendment and Response Pursuant to 37 C.F.R. §1.116
- Exhibit G '832 Patent File History, September 9, 2009 IDS
- Exhibit H '832 Patent File History, February 29, 2012 Amendment and Response
- Exhibit I '832 Patent File History, October 22, 2012 Amendment and Response After Final Office Action
- Exhibit J '832 Patent File History, April 30, 2013 Amendment and Response with Request for Continued Examination
- Exhibit K '588 Patent Reexamination, Decision on Appeal, Reexamination Application No. 95/001,753 (Reexamination of U.S. Patent No. 7,824,588)

Respectfully submitted,

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Dated: November 17, 2015

EXHIBIT A
JOINT CLAIM CONSTRUCTION CHART

Disputed Claim Terms, Proposed Constructions, and Citations to Intrinsic Evidence

The parties reserve the right to rely on any intrinsic evidence cited for a term, regardless of which party proposed the construction. The parties further reserve the right to further amend these charts as necessary. The parties further reserve the right to rely on any figures, tables, or other evidence incorporated by reference in cited portions of the patents-in-suit or the respective file histories, even if not specifically referred to herein.

	Term/Phrase	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	Intrinsic Evidence
1.	<p>“a taste-masking agent coated or intimately associated with said particulate [active]”</p> <p>(’514 cls. 1 and 28)</p>	<p>The Court previously construed “taste-masking of the active” as having its plain and ordinary meaning. Plaintiffs do not believe further, separate construction of this term by the Court is necessary in this case. If the Court determines to further construe the term, the plain and ordinary meaning is a taste-masking agent sufficiently surrounding the particulate active,</p>	<p>Ex. D (’514 Patent) <i>passim</i> where referencing “taste-masking”; <i>see, e.g.,</i> at: 5:43-49 5:55-59 6:11-12 9:37-41 16:31-39 38:23-39:60 54:1-10 62:1-6, 19-25, 44-46 70:37-39</p>	<p>The taste masking agent is coated on, or in contact with, the particles of active ingredient.</p>	<p>’514 5:6 26; 7:1 21; 16: 38: Pro Pat 201 Res C.F. (Ex</p>

	Term/Phrase	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	
		e.g., by being dissolved and homogenously distributed.			
2.	<p>“said matrix has a viscosity sufficient to aid in substantially maintaining non-self-aggregating uniformity of the active in the matrix”</p> <p>(’514 cls. 1, 16, 28, 48, 58 and 62)</p>	<p>The Court previously construed “viscosity sufficient to aid in substantially maintaining non-self aggregating uniformity of the active in the matrix” as “viscosity sufficient to provide little to no aggregation of the active within the film.” Plaintiffs do not believe further construction of this term by the Court is necessary in this case.</p>	<p>Ex. D (’514 Patent), see, e.g., at: 2:27-46 8:56-64 11:35-37 18:4-5 36:55-61 37:14-18 54:11-15</p>	Indefinite.	<p>De Rec Ap 95/ (Re Pat (Ex 19.</p>
3.	<p>Plaintiffs’ proposed term: “dried without loss of substantial uniformity”</p> <p>Defendants’ proposed term: “dried without the loss of substantial uniformity”</p>	<p>The Court previously construed “capable of being dried without loss of substantial uniformity” as “the film matrix is capable of being dried such that individual dosage units do not vary by more than 10% from the</p>	<p>Ex. D (’514 Patent), see, e.g., at: 2:27-46 11:35-37 18:4-5 36:55-61 37:14-18 54:11-15</p>	<p>Dried without employing conventional convection air drying from the top.</p>	<p>’51 3:1 9:4 25: 30: 32: Pro Pat 201 Res</p>

	Term/Phrase	Plaintiffs' Proposed Construction	Plaintiffs' Intrinsic Evidence	Defendants' Proposed Construction	I
	('514 cls. 28 and 62)	intended amount of active for that dosage unit." Plaintiffs do not believe further, separate construction of this term by the Court is necessary in this case.			C.F. (Ex Am Res C.F. 12-
4.	<p>"wherein said local pH is from about 3 to about 3.5 in the presence of saliva"</p> <p>('832 cls. 1 and 9)</p> <p>Teva's proposed term: "about 3 to about 3.5"</p>	The Court previously construed "provide a local pH for said composition of a value sufficient to optimize absorption of said buprenorphine, wherein said local pH is from about 3 to about 3.5 in the presence of saliva" as "provide a local pH for the composition sufficient to optimize absorption of said buprenorphine wherein said local pH is about 3 to about 3.5 in the presence of saliva in the mouth, where local pH refers to the pH of the region of the carrier matrix immediately surrounding the active	<p>Ex. C ('832 Patent), see, e.g., at:</p> <p>3:14-21 3:27-32 3:35-38 3:42-47 3:48-50 11:44-61 12:26-36 13:5-7 15:51-52 17:51-18:16 18:35-41 18:49 19:3-22 20:4-9 20:18-20 21:19-21 21:35-44 22:20-22 23:1-23:55 23:64-67 24:33-37</p>	Greater than 2.95 and less than 3.54.	'83 12: 52; 23: Pro Pat 200 Feb Am Res 7-1 Am Res Off 7-1 Am Res for Ex 3 a

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