

Plaintiffs,

v.

**ACTAVIS LABORATORIES FL, INC.,
et al.,**

Defendants.

**ORDER
(Markman Patent Claim Construction)**

MCNULTY, U.S.D.J.:

The Court in this patent infringement action having held a hearing on October 25, 2016, for the purpose of constructing contested terms in the '438 patent at issue, pursuant to *Markman v. Westview Instruments*, 52 F.3d 967 (Fed. Cir. 1995); and the Court having considered the submissions, evidence, competing constructions of disputed terms, and arguments of the parties; and the Court having filed simultaneously herewith an Opinion setting forth its reasoning; and good cause appearing therefor;

IT IS this 9th day of November, 2016,

ORDERED, for the reasons expressed in the accompanying Opinion, that the disputed terms in the '438 patent at issue in this case shall be constructed as follows:

(Claim 1) *Treatment/treating* means the eradication, removal, modification, management or control of a tumor or primary, regional, or metastatic cancer cells or tissue and the minimization or delay of the spread of cancer.

