

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.

