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and Biocon S.A.*

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

SANOFI-AVENTIS U.S. LLC,  
SANOFI-AVENTIS DEUTSCHLAND GMBH,  
and SANOFI WINTHROP INDUSTRIE,

Plaintiffs,

v.

MYLAN GMBH, BIOCON LTD., BIOCON  
RESEARCH LTD., BIOCON SDN. BHD., and  
BIOCON S.A.

Defendants.

C.A. No. 17-cv-09105-SRC-CLW

**DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

1 of the '930 patent recites “at least one chemical entity chosen from esters and ethers of polyhydric alcohols.” Pursuant to Sanofi’s proposal, claim 1 would therefore read, “at least one [chemical compound] chosen from [chemical compounds in which one or more of the hydroxyl groups of a polyhydric alcohol instead of being a hydroxyl group is an ester (RCOO-X) or ether (RC-O-X) group].”<sup>17</sup> See *id.* at 47, 56-57. Sanofi’s proposal injects the construction for “chemical entity” into this term, where “chemical entity” does not reappear, resulting in unnecessary repetition. No clarifying purpose is served by stating that an ester or ether of a polyhydric alcohol is a “chemical compound.” Defendants’ construction is clean, straightforward, and clarifies the meaning of the claim term without interjecting pointless repetition.

**B. The Court Should Adopt Defendants’ Constructions for the Disputed Terms of the Device Patents**

**1. “piston rod”**

Each asserted independent claim of the Device Patents requires “a piston rod,” and the parties agree the same construction should apply for all five Device Patents. The parties dispute where the rod is located and how it relates to the piston.

The Device Patents’ claims establish that the “piston rod” has a well-understood relationship to the “piston.” Ochoa, ¶ 43. The specifications confirm this relationship by disclosing one, and only one, type of piston rod: a rod that moves axially to advance the piston. Every embodiment in the Device Patents has a piston rod that pushes the piston through the cartridge. For example, in the primary embodiment, the Device Patents explain, “A pressure foot 22 is located at the first end of the piston rod 20. The pressure foot 22 is disposed to abut a second end of the cartridge piston 10.” See, e.g., Ex. 3 at 3:57-61, Fig. 4; Ochoa, ¶¶ 36-37.

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<sup>17</sup> Sanofi proposes that “chemical entity” be construed as “chemical compound.”

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**SAIBER LLC**

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